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Circular No. 1401a

Obsolete -
See Director's memo
2/6/49.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

See Circ. 1807

- - -

LEASING OF PUBLIC LANDS, EXCLUSIVE OF ALASKA, FOR THE GRAZING OF LIVESTOCK.

Regulations contained in Part 160, Title 43
of the Code of Federal Regulations.

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(Reprint, December 1, 1942, with amendments).

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LEASING OF PUBLIC LANDS, EXCLUSIVE OF ALASKA, FOR THE GRAZING OF LIVESTOCK.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Sec. 160.1 Statutory authority. Section 15 of the Act of June 28, 1934 (48 Stat. 1275), as amended by section 5 of the Act of June 26, 1936 (49 Stat. 1978; 43 U.S.C. 315m), provides:

> "The Secretary of the Interior is further authorized, in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are so situated as not to justify their inclusion in any grazing district to be established pursuant to this Act, to lease any such lands for grazing purposes, upon such terms and conditions as the Secretary may prescribe: Provided, That preference shall be given to owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit proper use of such contiguous lands, except, that when such isolated or disconnected tracts embrace seven hundred and sixty acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of ninety days after such tract is offered for lease, upon the terms and conditions prescribed by the Secretary."

160.2 Classes of applicants. In general, the Act, as amended, provides for the issuance of grazing leases to three classes of applicants, as follows:

(a) Leases where no preference right is involved.

(b) Preference right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

(c) Where isolated or disconnected tracts embrace 760 acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of 90 days after such tract is offered for lease upon the terms and conditions prescribed by the Secretary of the Interior.

160.3 Filing of applications. An application for lease should be filed on Form 4-721, as amended, in the district land office for the district in which the lands applied for are situated, except that in the States in which there are no district land offices, the application should be forwarded to the General Land Office.

160.4 Copies of Application. The application must be filed in triplicate, except where it embraces lands within the jurisdiction of more than one district land office, in which event it must be furnished in quadruplicate and may be filed in either office. The original application, only, need be sworn to.

160.5 Qualifications of applicants. Any person who is a citizen of the United States or who has declared his intention to become a citizen, or any group or association composed of such persons, or any corporation organized under the laws of the United States, or of any State or Territory thereof authorized to conduct business in the State in which the lands involved are situated, may file such an application.

160.6 Preference rights. Owners, homesteaders, lessees, or other lawful occupants of lands contiguous to those applied for shall have a preference right to a lease for so much of said lands as may be necessary to permit proper use of such contiguous lands, except that owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract applied for embracing 760 acres or less, shall have a preference right during a period of 90 days after such tract is offered for lease, to lease the whole of such tract upon the terms and conditions prescribed by the Secretary of the Interior.

160.7 Showing required in applications. The application to lease should set forth as follows:

(a) Applicant's name and post office address.

(b) A statement as to whether the applicant is a native-born or naturalized citizen of the United States, or has declared his intention to become a citizen. If naturalized, or a declarant, evidence thereof must be furnished.

(c) If the applicant is a corporation, a certified copy of the articles of incorporation must accompany the application, and if an association, a copy of the constitution and by-laws, and evidence of the citizenship of each member must be submitted.

(d) A description of the lands applied for must be furnished in terms of the legal subdivisions of the public land surveys, together with a statement as to whether the lands contain any springs or water holes, and whether the lands are occupied or used for any purpose and by whom.

(e) A complete description in terms of legal subdivisions of the public land surveys of the lands upon which a preference right to a lease is based, the nature of the claims thereto, and the dates initiated or acquired.

(f) A statement as to the number and kind of stock to be grazed upon the lands, seasons of contemplated use, and the manner in which the applicant plans to graze the lands applied for in connection with his general operations. Such statement shall not prejudice the application, and the applicant may amend it to conform to any objection or requirement made by the Commissioner of the General Land Office as to the kind or number of stock, seasons of use or grazing plans.1/

(g) A statement as to what previous use, if any, the applicant has made of the lands applied for, and whether the lands have been used by anyone else. If so, by whom, for what purpose, and to what extent.

160.8 Segregative effect of application. The filing of an application in conformity with the regulations in Part 160 will segregate the lands applied for from other disposition under the public land laws, subject to any prior valid adverse claim, except that at all times the mineral contents in the land shall be subject to prospecting, locating, developing, mining, entering, leasing, or patenting under the provisions of the applicable laws.

160.9 Action on conflicting grazing lease applications. The filing of an application will not segregate the land applied for from application by other applicants for grazing lease. Conflicting or junior grazing lease applications will be received, noted, and disposed of in the same manner as senior or prior grazing lease applications.

160.10 No right conferred by application, prior to lease. As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for, pending the execution of a lease.2/

160.11 Filing fees. Every applicant for a lease must pay to the register of the district land office, at the time of filing an application, a fee of $5 if his lease application is for 1,000 acres or less, and an additional $5 for each additional 1,000 acres or fractional part thereof, which fee will be carried as unearned pending action on the application. If the application is rejected the fee will be returned. If a lease, based on the application, is offered the applicant, and he refuses to accept the same, the fee will be retained and earned, as a service charge.

1/ Amended by Circ. 1469, April 17, 1940.

2/ Amended by Circ. 1517, October 1, 1942.

160.12 Protest. If a protestant against the issuance of a lease desires to lease all or part of the land embraced in the application against which a protest is filed, the protest should be accompanied by an application to lease.

160.13 Filing of petitions for renewals. Any person receiving a temporary 1-year lease based on an application filed prior to April 30, 1937, who desires to continue to lease the lands involved, will not be required to file a new application for lease on Form 4-721 but will be required to file a petition in triplicate for the renewal of his lease on a form to be furnished. No filing fee will be required in connection with petitions for such renewals.

160.14 Instructions governing petitions for renewals. Petitions for renewals will be governed by the instructions contained in sections 160.15-160.19, except that new serial numbers will not be assigned to the same.

160.15 Action on applications. Upon receipt of an application, the register of the district land office will assign the current serial number thereto, note the same on his records, and if all is found to be regular, forward the original to the General Land Office, and the duplicate to the regional field examiner for the region in which the lands are situated. The original and duplicate applications should be accompanied with a status report by the register of all the lands applied for.3/

160.16 Disposal of copies of applications. The triplicate copy will be retained by the register for his files. In case the application embraces land in two land districts, the quadruplicate copy will be forwarded to the appropriate land office for notation and for a serial number.

160.17 Action by register receiving the quadruplicate copy of application. The register of the land office receiving the quadruplicate copy will furnish a report to the General Land Office and the proper regional field examiner as to the status of the land in his district embraced in the application for lease. The remaining administrative work up to the point of issuing the lease will be handled through the office in which the complete application was filed.3/

160.18 Information to be reported by Branch of Field Examination. Upon receipt of the duplicate copy of an application or petition for renewal, the proper regional field examiner will have an investigation made and submit a report to the General Land Office as to the applicant's qualifications, and also as to the pertinent facts relating to any and all conflicting applications, especially those where the questions of preference rights and the extent thereof are involved.3/

3/ Amended by Circ. 1517, October 1, 1942.

160.19 Additional information to be included in report. The report of the regional field examiner should also include a statement as to the carrying capacity of the lands applied for and the value of the lands for grazing purposes, due regard being given to the number and kind of livestock to be grazed. It should also recommend the rental value to be charged, the term of the lease to be granted, and any other recommendations which may be helpful in the adjudication of the application.4/

160.20 Offer of lease; appeals. If, after receipt of an application or petition for renewal and upon consideration of the facts presented, it is decided by the Commissioner of the General Land Office that the applicant is entitled to a lease for all or any of the lands applied for, a proposed lease will be prepared, in quadruplicate, and copies will be sent to the district land office for execution by the applicant. The Commissioner is hereby authorized to take all actions required in connection with the issuance, modification, renewal, assignment or cancelation of grazing leases, and the disposition of protests and conflicting applications, subject to the right of appeal to the Secretary of the Interior. All actions of the Commissioner will be subject to review by the Secretary on his own motion, as well as on appeal.5/

160.21 Issuance of lease. If the proposed lease is properly executed and returned to the General Land Office, it will be considered, together with any protests or conflicting applications. If all be found regular, a lease will be issued by the Commissioner after final action has been taken on the protests, or conflicting applications, if any. The same procedure will be followed where it is determined that more than one applicant is entitled to a lease and a division of the lands is necessary, except that such conflicting applicants will be afforded an opportunity to agree to the division of such lands. If an acceptable adjustment cannot be made by the parties in interest, the award of a lease, or leases, will be determined by the Commissioner of the General Land Office, on the basis of all the facts presented.5/

160.22 Leased lands subject to classification and disposal. Lands embraced in a grazing lease shall be subject to classification and disposal under the provisions of section 7 of the Act of June 28, 1934 (48 Stat. 1272), as amended by the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315f), provided that before the allowance of any entry, selection or location under section 7 evidence must be furnished that the applicant has agreed to compensate the lessee for any grazing improvements placed on the lands entered, selected or located, under the authority of the lease and for any injury caused to the lessee's grazing operations by reason of the loss of the leased lands from his lease-hold.

4/ Amended by Circ. 1517, October 1, 1942.

5/ Amended by Circ. 1469, April 17, 1940.

If the interested parties are unable to reach an agreement as to the amount of such compensation, the amount shall be fixed by the Commissioner of the General Land Office subject to the right of appeal to the Secretary of the Interior, whose decision shall be final. All such agreements, to be effective, must be approved by the Commissioner of the General Land Office. The failure of the applicant to pay the lessee in accordance with the agreement shall be just cause for cancelation of the entry, selection or location. All subsequent annual rental charges will be proportionately reduced for the loss of the lands from the lease-hold.

160.23 Rental. Each lessee shall pay to the proper district land office, such annual rental as may be determined to be a fair compensation to be charged for the grazing of livestock on the leased land.

160.24 Term of lease. When the necessary basic information has been secured by the Branch of Field Examination, leases may be issued in the discretion of the Commissioner of the General Land Office for periods of not more than ten years. However, when the facts and circumstances are such as to warrant limiting the leases to five years or less, the leases will be so limited. In the absence of necessary basic data, the leases will be limited to one year. When a lease expires it may be renewed, for periods of not more than ten years, in the discretion of the Commissioner, upon such terms and conditions as he may prescribe.6/

160.25 Use of lands. After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock raising purposes so long as such improvements do not impair the value of the lands. Upon cancelation of a lease for any reason or upon termination of a lease, except when a renewal is requested, the Commissioner of the General Land Office may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancelation, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. All decisions of the Commissioner will be subject to the right of appeal to the Secretary of the Interior. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed 3 months from the date of cancelation of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States. The lessee will be required to comply with the provisions of the laws of the State in which the leased lands are located with respect to the cost and maintenance of partition fences.6/

6/ Amended by Circ. 1469, April 17, 1940.

160.26 Causes for cancelation of lease. A lease may be canceled by the Commissioner of the General Land Office:

(a) If the lessee persistently overgrazes the lands or uses them in any manner which causes soil erosion, or for any purposes detrimental to the lands or the livestock industry.

(b) If the lessee uses the leased premises, or any part thereof, for any purpose foreign to grazing or in violation of any terms of the lease.

(c) If the lessee shall fail to pay the annual rental, or any part thereof.

(d) If the lessee shall fail to comply with the regulations or the terms of the lease.

(e) If a preference right lessee fails to retain ownership or control of the lands tendered as a basis for such preference right.

(f) If the lessee assigns or sub-leases all or any part of the leased area without obtaining the approval of the Commissioner of the General Land Office.

Each lessee must accept as final any decision rendered by the Commissioner of the General Land Office, with reference to the violations of the terms of the lease, unless the decision is modified or set aside by the Secretary of the Interior, and, if required by the decision, must surrender the leased premises to the United States. No decision will, however, be rendered until the lessee has been formally advised of the cause for cancelation and afforded a timely opportunity to make a showing as to why the lease should not be canceled.[7/]

160.27 Inspection of leased premises. Representatives of the Secretary of the Interior shall at any time have the right to enter the leased premises for the purpose of inspection.

160.28 Assignment of lease. Proposed assignments of a lease, in whole or in part, must be submitted to the Commissioner of the General Land Office, on a form to be provided, for approval; must be accompanied by the same showing by the assignee as is required of applicants for a lease; and must be supported by a showing that the assignee agrees to be bound by the provisions of the lease. No assignment will be recognized unless and until approved by the Commissioner.[7/]

160.29 Regulations a part of each lease. The regulations in this part shall be considered to be a part of every grazing lease issued pursuant to the provisions of the Act of June 28, 1934, as amended.

[7/] Amended by Circ. 1469, April 17, 1940.

160.30 Form of grazing lease.

4-722 a
(Amended June 7, 1940
and Apr. 28, 1942 by
Circs. 1471 and 1508)

To be executed by applicant
in quadruplicate.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

LEASE OF LANDS FOR GRAZING LIVESTOCK

Section 15 of the Act of June 28, 1934 (48 Stat. 1269),
as Amended by the Act of June 26, 1936
(49 Stat. 1976).

Serial..

This indenture of lease, entered into as of.. by and between the United States of America, party of the first part, hereinafter called the lessor, acting in this behalf by the Commissioner of the General Land Office and..
(Name of Applicant)
of..., party of the second part, herein-
(Post-office address)
after called the lessee, under, pursuant, and subject to the terms and provisions of the act of Congress approved June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), entitled "An Act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," hereinafter referred to as the Act, which is made a part hereof.

Witnesseth:

That the lessor, in consideration of the rents to be paid and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee an exclusive right and privilege of using for grazing purposes the following-described tract of land..
....
....
....
....
....
....
....
....
containing approximately.................................. acres, together with the right to construct and maintain thereon all buildings or other improvements necessary to the full enjoyment thereof, for a period of................ years, and if at the end of said period it shall be determined that a new lease should be granted, the lessee herein will be accorded a preference right thereto upon such terms and for such duration as may be fixed by the lessor.

In consideration of the foregoing, the lessee hereby agrees:

(a) To pay the lessor as annual rental the sum of $.................................. for the first year of the lease and a like sum per year for the second and third years of the lease. The rental may be adjusted at the end of the third year of the lease and at 3-year intervals thereafter. If at the date of any adjustment of the rental, the lease will expire within less than 3 years, such adjustment shall be effective for the unexpired term of the lease. When the annual rental amounts to $10 or more, the lessee may elect to make payment in two equal installments. One-half of the first year's rental to be paid prior to the execution of the lease and the remaining one-half to be paid within

6 months after the date of execution. For the second and each succeeding year of the lease one-half of the rental to be paid on the anniversary of the lease and the unpaid balance to be paid within 6 months from said anniversary. When the annual rental is less than $10 it must be paid in full prior to the execution of the lease and annually thereafter on the anniversary of the lease.

(b) To observe the laws and regulations for the protection of game animals, game birds, and non-game birds, and not unnecessarily disturb such animals or birds.

(c) That neither he nor his employees will set fires that will result in damage to the range or to wildlife, and to extinguish all camp fires started by him or any of his employees before leaving the vicinity thereof.

(d) To comply with the provisions of the laws of the State in which the leased lands are situated with respect to the cost and maintenance of partition fences.

The lessor expressly reserves:

(a) The right to permit prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources, and to dispose of such resources under any laws applicable thereto; the right to permit the use and disposition of timber on the lands embraced in this lease, under existing laws and regulations; and nothing herein contained shall restrict the acquisition, granting, or use of permits or rights-of-way under existing law.

(b) The right to close portions of the leased area to grazing whenever, because of drought, epidemic of disease, incorrect handling of the stock, overgrazing, fire, or other cause, such action is deemed necessary to restore the range to its normal condition. However, such temporary closing of any area shall not operate to exclude such area from the boundaries of a lease.

(c) The right to reduce the leased area if it is excessive for the number of stock owned by the lessee, or if it is determined that such area is required for the protection of camping places, sources of water supply to communities, stock driveways, roads and trails, townsites, mining claims, and for feeding grounds near villages for the use of draft animals or near the slaughtering or shipping points for use of stock to be marketed. However, a proportionate reduction will be made in the annual rental charges.

(d) The right to classify and permit entry, selection, or location under the provisions of section 7 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), of any part or all of the leased lands, provided that before the allowance of any application therefor the applicant shall agree, subject to the approval of the Commissioner of the General Land Office, to compensate the lessee in accordance with paragraph (21) of these regulations.

It is further understood and agreed:

(a) That the lessee expressly agrees that authorized representatives of the Department of the Interior at any time shall have the right to enter the leased premises for the purpose of inspection, and that Federal agents, including game wardens, shall at all times have the right to enter the leased area on official business.

(b) That the lessee shall not sell or remove for use elsewhere any timber growing on the leased land but may take such timber thereon as may be necessary for the erection and maintenance of improvements required in the operation of this lease.

(c) That this lease is granted subject to valid existing rights and to all rules and regulations which the Secretary of the Interior has prescribed.

(d) That the lessee may construct, or maintain and utilize any fence, building, corral, reservoir, well, or other improvements needed for the exercise of the grazing privileges of this lease, but any such fence shall be so constructed as to permit ingress and egress for miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

(e) That the lessee shall take all reasonable precaution to prevent and suppress forest, brush, and grass fires.

(f) The lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. Upon cancellation of this lease for any reason or upon termination thereof except when a renewal is requested, the Commissioner of the General Land Office may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancellation, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. The decision of the Commissioner will be subject to the right of appeal to the Secretary of the Interior. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed 3 months from the date of cancellation of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States.

(g) That the lessee agrees to comply with all Federal and local laws regarding sanitation and such other sanitary measures as may be necessary.

(h) That the lessee will not enclose roads or trails commonly used for public travel so as to interfere with the traveling of persons who do not molest grazing animals.

(i) If the lessee shall fail to pay the rental as herein specified, or shall fail to comply with the provisions of the act, or make default in the performance or observance of any of the terms, covenants, and stipulations hereof or of the general regulations promulgated and in force at the date hereof, and such default shall continue 60 days after service of written notice thereof by the lessor, then the lessor may, in his discretion, terminate and cancel this lease.

(j) That the lessee shall not assign this lease or any interest therein, nor sublet any portion of the leased premises without the written consent of the Commissioner of the General Land Office.

(k) That the leased lands shall be subject to entry for hunting and fishing by any person under applicable State or Federal hunting and fishing laws and regulations, but in any event the Commissioner may prohibit or restrict or he may authorize the lessee to prohibit or restrict hunting or fishing on such parts of the leasehold and for such periods as he may determine to be necessary in order to prevent any substantial interference with the purpose for which the lands are leased, that is, grazing.

(l) That no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent or employee of the Department of the Interior, other than members of the district advisory boards, appointed in accordance with section 18 of the Taylor Grazing Act, which was added by the act of July 14, 1939, Public No. 173, shall be admitted to any share or part in this lease, or derive any benefit that may arise therefrom, and that the provisions of section 3741 of the Revised Statutes and sections 114, 115, and 116 of the Criminal Code, approved March 4, 1909 (35 Stat. 1109), relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, and assigns of the respective parties hereto.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA.

By ....

Commissioner of the General Land Office

....

....

Lessee.

Witnesses to signature of lessee:

....

....

Reprint of Part 160, Chapter I, Title 43, of the Code of Federal Regulations, based on Cir. 1401 and 1442, Apr. 30, 1937 and Jan. 19, 1938, as amended by Circs. 1469, 1471, 1508 and 1517, Apr. 17 and June 7, 1940 and Apr. 28 and Oct. 1, 1942, respectively.

135496

Circular No. 1401 Revised

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 30, 1937.

REGULATIONS GOVERNING THE LEASING OF PUBLIC LANDS, EXCLUSIVE OF ALASKA, FOR THE GRAZING OF LIVESTOCK UNDER THE ACT OF JUNE 28, 1934 (48 STAT. 1269), AS AMENDED BY THE ACT OF JUNE 26, 1936 (49 STAT. 1976)

Registers,

United States Land Offices.

Director,

Division of Investigations.

Sirs:

Section 15 of the act of June 28, 1934 (48 Stat. 1269), as amended by section 5 of the act of June 26, 1936 (49 Stat. 1976), provides that:

> "The Secretary of the Interior is further authorized, in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are so situated as not to justify their inclusion in any grazing district to be established pursuant to this Act, to lease any such lands for grazing purposes, upon such terms and conditions as the Secretary may prescribe: Provided, That preference shall be given to owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit proper use of such contiguous lands, except, that when such isolated or disconnected tracts embrace seven hundred and sixty acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of ninety days after such tract is offered for lease, upon the terms and conditions prescribed by the Secretary."

In general, the act, as amended, provides for the issuance of grazing leases to three classes of applicants, as follows:

I. Leases where no preference right is involved.

II. Preference right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

III. Where isolated or disconnected tracts embrace 760 acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of 90 days after such tract is offered for lease upon the terms and conditions prescribed by the Secretary of the Interior.

The Registers of the district land offices will continue to adjudicate all applications for grazing leases received in their offices prior to the date of approval of these regulations in accordance with the instructions contained in Circular No. 1412.

The following rules and regulations are prescribed for the administration of section 15 of the act of June 28, 1934, as amended by the act of June 26, 1936:

I.

Applications for Lease.

(1) An application for lease should be filed on form 4-721, approved April 30, 1937, in the United States district land office for the district in which the lands applied for are situated, except that in the States in which there are no district land offices, the application should be forwarded to this office.

(2) The application must be filed in triplicate, except where it embraces lands within the jurisdiction of more than one district land office, in which event it must be furnished in quadruplicate and may be filed in either office. The original application, only, need be sworn to.

(3) Any person who is a citizen of the United States or who has declared his intention to become a citizen, or any group or association composed of such persons, or any corporation organized under

the laws of the United States, or of any State or Territory thereof authorized to conduct business in the State in which the lands involved are situated, may file such an application.

(4) Owners, homesteaders, lessees, or other lawful occupants of lands contiguous to those applied for shall have a preference right to a lease for so much of said lands as may be necessary to permit proper use of such contiguous lands, except that owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract applied for embracing 760 acres or less, shall have a preference right during a period of 90 days after such tract is offered for lease, to lease the whole of such tract upon the terms and conditions prescribed by the Secretary of the Interior.

(5) The application to lease should set forth as follows:

(a) Applicant's name and post office address.

(b) A statement as to whether the applicant is a native-born or naturalized citizen of the United States, or has declared his intention to become a citizen. If naturalized, or a declarant, evidence thereof must be furnished.

(c) If the applicant is a corporation, a certified copy of the articles of incorporation must accompany the application, and if an association, a copy of the constitution and by-laws, and evidence of the citizenship of each member must be submitted.

(d) A description of the lands applied for must be furnished in terms of the legal subdivisions of the public land surveys, together with a statement as to whether the lands contain any springs or water holes, and whether the lands are occupied or used for any purpose and by whom.

(e) A complete description in terms of legal subdivisions of the public land surveys of the lands upon which a preference right to a lease is based, the nature of the claims thereto, and the dates initiated or acquired.

(f) A statement as to the number and kind of stock to be grazed upon the lands, seasons of contemplated use, and the manner in which the applicant plans to graze the lands applied for in connection with his general operations. Such statement shall not prejudice the application, and the applicant may amend it to conform to any objection or requirement made by the Secretary of the Interior as to the kind or number of stock, seasons of use or grazing plans.

(g) A statement as to what previous use, if any, the applicant has made of the lands applied for, and whether the lands have been used by anyone else. If so, by whom, for what purpose, and to what extent.

(6) The filing of an application under this section in conformity with these regulations will segregate the lands applied for from other disposition under the public land laws, subject to any prior valid adverse claim, except that at all times the mineral contents in the land shall be subject to prospecting, locating, developing, mining, entering, leasing, or patenting under the provisions of the applicable laws.

(7) The filing of an application will not segregate the land applied for from application by other applicants for grazing lease. Conflicting or junior grazing lease applications will be received, noted, and disposed of in the same manner as senior or prior grazing lease applications.

(8) As the issuance of a lease is within the discretion of the Secretary of the Interior, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the exclusive use of the lands applied for, pending the execution of a lease by the Secretary of the Interior.

(9) Every applicant for a lease must pay to the Register of the district land office, at the time of filing an application, a fee of five dollars if his lease application is for 1,000 acres or less, and an additional five dollars for each additional 1,000 acres or fractional part thereof, which fee will be carried as unearned pending action on the application. If the application is rejected the fee will be returned. If a lease, based on the application, is offered the applicant, and he refuses to accept the same, the fee will be retained and earned, as a service charge.

(10) If a protestant against the issuance of a lease desires to lease all or part of the land embraced in the application against which a protest is filed, the protest should be accompanied by an application to lease.

(11) Any person receiving a temporary one-year lease based on an application filed prior to the date of approval of these regulations, who desires to continue to lease the lands involved, will not be required to file a new application for lease on form 4-721 but will be required to file a petition in triplicate for the renewal of his lease on a form to be furnished. No filing fee will be required in connection with petitions for such renewals.

(12) Action on petitions for renewals will be governed by the instructions contained in the following section II hereof except that new serial numbers will not be assigned to the same.

II.

Action on Applications and Petitions for Renewals.

(13) Upon receipt of an application, the Register of the district land office will assign the current serial number thereto, note the same on his records, and if all is found to be regular, forward the original to this office, and the duplicate to the Special Agent in Charge of the Division of Investigations for the division in which the lands are situated. The original and duplicate applications should be accompanied with a status report by the Register of all the lands applied for.

(14) The triplicate copy will be retained by the Register for his files. In case the application embraces land in two land districts, the quadruplicate copy will be forwarded to the appropriate land office for notation and for a serial number.

(15) The register of the land office receiving the quadruplicate copy will furnish a report to this office and the Special Agent in Charge as to the status of the land in his district embraced in the application for lease. The balance of the administrative work up to the point of issuing the lease will be handled through the office in which the complete application was filed.

(16) All instructions heretofore issued regarding publication of notices offering lands for lease are hereby rescinded. A general order by this Department relative to the offering of all public lands, including those now embraced in temporary one-year leases, will be issued in due course.

(17) Upon receipt of the duplicate copy of an application or petition for renewal the Special Agent in Charge will have an investigation made and submit a report to this office as to the applicant's qualifications, the pertinent facts as to any and all conflicting applications especially as to those where the questions of preference rights and extent thereof are involved.

(18) The report of the Special Agent in Charge should also include a statement as to the carrying capacity of the lands applied for, the value of the lands for grazing purposes, due regard being given to the number and kind of livestock to be grazed. It should also recommend the rental value to be charged, the term of the lease to be granted, and any other recommendations which may be helpful in the adjudication of the application.

Reject appln if it embraces land already in lease unless lease is about to expire

III.

Issuance of or Renewal of Leases.

(19) If, after receipt of an application or petition for renewal and upon consideration of the facts presented, it is decided by this office that the applicant is entitled to a lease for all or any of the lands applied for, a proposed lease will be prepared, in quadruplicate, and copies will be sent to the district land office for execution by the applicant. At the same time, protests and conflicting applications will be disposed of, subject to the right of appeal to the Secretary of the Interior.

(20) If the proposed lease is properly executed and returned to this office, it will be transmitted, together with any appeals filed by the protestants or conflicting applicants, with appropriate recommendations, to the Secretary of the Interior for consideration. The same procedure will be followed where it is determined that more than one applicant is entitled to a lease and a division of the lands is necessary, except that such conflicting applicants will be afforded an opportunity to agree to the division of such lands. If an acceptable adjustment cannot be made by the parties in interest, the award of a lease, or leases, will be determined by the Commissioner of the General Land Office, on the basis of all the facts presented, subject to the approval of the lease, or leases, by the Secretary of the Interior.

IV.

Leased Lands Subject to Classification.

(21) Lands embraced in a grazing lease shall be subject to classification and disposal under the provisions of section 7 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), provided that before the allowance of any entry, selection or location under said section 7 evidence must be furnished that the applicant has agreed to compensate the lessee for any grazing improvements placed on the lands entered, selected or located, under the authority of the lease and for any injury caused to the lessee's grazing operations by reason of the loss of the leased lands from his lease-hold. If the interested parties are unable to reach an agreement as to the amount of such compensation the amount shall be fixed by the Commissioner of the General Land Office subject to the right of appeal to the Secretary of the Interior, whose decision shall be final. All such agreements, to be effective, must be approved by the Commissioner of the General Land Office. The failure of the applicant to pay the lessee in accordance with the agreement shall be just cause for cancellation of the entry, selection or location. All subsequent annual rental charges will be proportionately reduced for the loss of the lands from the lease-hold.

V.

Rental.

(22) Each lessee shall pay to the proper district land office, such annual rental as may be determined to be a fair compensation to be charged for the grazing of livestock on the leased land.

VI.

Duration of Leases.

(23) When the necessary basic information has been secured by the Division of Investigations leases may be issued in the discretion of the Secretary of the Interior for periods of not more than ten years. However, when the facts and circumstances are such as to warrant limiting the leases to five years or less, the leases will be so limited. In the absence of necessary basic data the leases will be limited to one year. When a lease expires it may be renewed, in the discretion of the Secretary of the Interior, upon such terms and conditions as he may prescribe.

VII.

Use of Lands.

(24) After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. Upon cancellation of a lease for any reason or upon termination of a lease except when a renewal is requested, the Secretary of the Interior may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancellation, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. When an agreement cannot be reached between the interested parties as to the amount to be paid, the decision of the Secretary of the Interior shall be final and conclusive. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed 3 months from the date of cancellation of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States.

(a) The lessee will be required to comply with the provisions of the laws of the State in which the leased lands are located with respect to the cost and maintenance of petition fences.

VIII.

Causes for Cancellation.

(25) A lease may be canceled by the Secretary of the Interior:

(a) If the lessee persistently overgrazes the lands or uses them in any manner which causes soil erosion, or for any purposes detrimental to the lands or the livestock industry.

(b) If the lessee uses the leased premises,or any part thereof, for any purpose foreign to grazing or in violation of any terms of the lease.

(c) If the lessee shall fail to pay the annual rental,. or any part thereof.

(d) If the lessee shall fail to comply with any part of these regulations or the terms of the lease.

(e) If a preference right lessee fails to retain ownership or control of the lands tendered as a basis for such preference right.

(f) If the lessee assigns or sub-leases all or any part of the leased area without obtaining the approval of the Secretary of the Interior.

Each lessee must accept as final any decision rendered by the Secretary of the Interior with reference to the violations of the terms of the lease, and, if required by the decision, must surrender the leased premises to the United States. No decision will, however, be rendered until the lessee has been formally advised of the cause for cancellation and afforded a timely opportunity to make a showing as to why the lease should not be canceled.

IX.

Inspection.

(26) Representatives of the Secretary of the Interior shall at any time have the right to enter the leased premises for the purpose of inspection.

P 'orig + trip
or to GLO
Dup to Fac
or all 3 to GLO.

X.

Assignment.

(27) Proposed assignments of a lease, in whole or in part, must be submitted to the Secretary of the Interior, on a form to be provided, for approval; must be accompanied by the same showing by the assignee as is required of applicants for a lease; and must be supported by a showing that the assignee agrees to be bound by the provisions of the lease. No assignment will be recognized unless and until approved by the Secretary of the Interior.

(28) These regulations shall be considered to be a part of every grazing lease issued pursuant to the provisions of this Act.

(29) These regulations supersede all instructions previously issued under said section 15 of the act approved June 28, 1934, as amended June 26, 1936.

(30) Forms of application and lease are attached and made a part hereof.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

I concur:

(Sgd) B. B. Smith,

Director, Division of Investigations.

Approved: April 30, 1937.

(Sgd) T. A. Walters,

First Assistant Secretary.

135496 B

(To be filed in triplicate
if the lands applied for are
all in one land district; in
quadruplicate if in more than
one land district.)

FORM 4-721, APPROVED
April 30, 1937

UNITED STATES
DEPARTMENT OF THE INTERIOR

Application for Grazing Lease

United States Land Office ______________________, Serial No. ____________

Receipt No. ____________

Date ____________________19 __

(1) I, ______________________________ of ______________________________
(Name of applicant) (Post Office address)

____

hereby apply to lease under section 15 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), the ____

____

____

Section_______, Township_________, Range __________, __________ Meridian, containing _______________acres, within the ______________________ land district.

(If the lands applied for are within two land districts, the application must be filed in quadruplicate. A description of the lands should be given by legal subdivision if surveyed, or, if not surveyed, by metes and bounds or such other description as will fully identify the land.)

(2) Describe by legal subdivisions the lands upon which a preference right to a lease is based, the nature of the claims thereto, and the dates initiated or acquired, and when the right will expire, if it is held for a period of years.____

Section _______, Township _________, Range __________, __________ Meridian.

(a) How many acres of your privately owned lands are under cultivation? _____________ acres.

(b) How many acres are used for grazing purposes? ___________ acres.

(3) State briefly your experience in the livestock industry and give two references.

____

____

____

(4) State what interests, if any, you have in any other lease or pending application for lease under section 15 of the act approved June 28, 1934, as amended by the act of June 26, 1936.

____

____

____

(5) Are you a citizen of the United States? ______ By birth? ______ By naturalization? ______.

(If by naturalization, evidence of such naturalization must be furnished.)

If not a citizen, have you filed the necessary declaration of intention to become such? __________. When? ______________________. Where? ______________________.

(If the applicant is a corporation, a certified copy of the articles of incorporation, together with a copy, signed by proper official, of the minutes of the meeting authorizing the filing of the application and, if an association, a copy of the constitution and by-laws, and evidence of the citizenship of each member must be submitted.)

(6) Do the lands applied for contain any springs or water holes? ______ If so, describe them, giving the location by section, township and range.

____

(a) Are the lands applied for occupied or used for any purpose? __________ By whom? ______________________ For what purpose? ______________________.

(7) Do you own or control any source of water supply needed or used for livestock purposes? ______________

Describe it ____

Where located ____
(Subdivision, section, township, and range.)

(8) State the number and kind of stock to be grazed on the leased lands ______________________, seasons of contemplated use ______________________, the manner in which you plan to graze the lands applied for in connection with your general operations ______

____

____

(9) Have you previously used the lands covered by this application? ______________ If so, for how many years and for what usual period each year? ____

(a) How many stock have you grazed thereon during the average year? ____________________

(10) Have the lands been used for grazing purposes in the past by any other person? ______________ If so, by whom? _________________________ ________________________________ To what extent? _________________________

(11) How many head of livestock do you own? ______________________
Cattle ___________; Horses _____________; Sheep ___________; Goats ________

____
(Signature of applicant)

Subscribed and sworn to before me

This the __________ day of __________________, 19___.

____

____
(Official designation of Officer.)

135496 C

(To be executed by applicant
in quadruplicate.)

FORM 4-722, APPROVED
April 30, 1937

Form of Lease

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

LEASE OF LANDS FOR GRAZING LIVESTOCK

Section 15 of the Act of June 28, 1934 (48 Stat. 1269),
as amended by the Act of June 26, 1936
(49 Stat. 1976).

Serial__________________

This indenture of lease, entered into as of ______________________ by and between the United States of America, party of the first part, hereinafter called the lessor, acting in this behalf by the____________________ ________________________________and______________________________
(Name of applicant)
of______________________________________, party of the second part,
(Post office address)
hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the act of Congress approved June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), entitled "An Act to stop injury to the public grazing lands by preventing over-grazing and soil deterioration, to provide for their orderly use, improvement and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," hereinafter referred to as the act, which is made a part hereof.

WITNESSETH:

That the lessor, in consideration of the rents to be paid and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee an exclusive right and privilege of using for grazing purposes the following-described tract of land:

____

____

containing approximately____________acres, together with the right to construct and maintain thereon all buildings or other improvements necessary to the full enjoyment thereof, for a period of________years, and if at the end of said period the Secretary of the Interior shall determine that a new lease should be granted, the lessee herein will be accorded a preference right thereto upon such terms and for such duration as may be fixed by the lessor.

In consideration of the foregoing, the lessee hereby agrees:

(a) To pay the lessor as annual rental the sum of $ for the first year of the lease and a like sum per year for the second and third years of the lease. The rental may be adjusted at the end of the third year of the lease and at three year intervals thereafter. If at the date of any adjustment of the rental, the lease will expire within less than three years, such adjustment shall be effective for the unexpired term of the lease. Annual rental shall reasonably conform to but in no case be in excess of the rental charged by the State or individuals for grazing privileges on lands of similar character in the immediate vicinity of the lease-hold. When the annual rental amounts to $10.00 or more, the lessee may elect to make payment in two equal installments. One-half of the first year's rental to be paid prior to the execution of the lease and the remaining one-half to be paid within six months after the date of execution. For the second and each succeeding year of the lease one-half of the rental to be paid on the anniversary of the lease and the unpaid balance to be paid within six months from said anniversary. When the annual rental is less than $10.00 it must be paid in full prior to the execution of the lease and annually thereafter on the anniversary of the lease.

(b) To observe the laws and regulations for the protection of game animals, game birds, and nongame birds, and not unnecessarily disturb such animals or birds.

(c) That neither he nor his employees will set fires that will result in damage to the range or to wild life, and to extinguish all camp fires started by him or any of his employees before leaving the vicinity thereof.

(d) To comply with the provisions of the laws of the State in which the leased lands are situated with respect to the cost and maintenance of partition fences.

The lessor expressly reserves:

(a) The right to permit prospecting, locating, developing, mining, entering, leasing or patenting the mineral resources, and to dispose of such resources under any laws applicable thereto; the right to permit the use and disposition of timber on the lands embraced in this lease, under existing laws and regulations; and nothing herein contained shall restrict the acquisition, granting, or use of permits or rights of way under existing law.

(b) The right to close portions of the leased area to grazing whenever, because of drought, epidemic of disease, incorrect handling of the stock, overgrazing, fire, or other cause, such action is deemed necessary to restore the range to its normal condition. However, such temporary closing of any area shall not operate to exclude such area from the boundaries of a lease.

(c) The right to reduce the leased area if it is excessive for the number of stock owned by the lessee, or if it is determined that such area is required for the protection of camping places, sources of water supply to communities, stock driveways, roads and trails, townsites, mining claims, and for feeding grounds near villages for the use of draft animals or near the slaughtering or shipping points for use of stock to be marketed. However, a proportionate reduction will be made in the annual rental charges.

(d) The right to classify and permit entry, selection or location under the provisions of section 7 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), of any part or all of the leased lands, provided that before the allowance of any application therefor the applicant shall agree, subject to the approval of the Commissioner of the General Land Office, to compensate the lessee in accordance with paragraph (21) of these regulations.

It is further understood and agreed:

(a) That the lessee expressly agrees that authorized representatives of the Department of the Interior at any time shall have the right to enter the leased premises for the purpose of inspection, and that Federal agents, including game wardens, shall at all times have the right to enter the leased area on official business.

(b) That the lessee shall not sell or remove for use elsewhere any timber growing on the leased land but may take such timber thereon as may be necessary for the erection and maintenance of improvements required in the operation of this lease.

(c) That this lease is granted subject to valid existing rights and to all rules and regulations which the Secretary of the Interior has prescribed.

(d) That the lessee may construct, or maintain and utilize any fence, building, corral, reservoir, well, or other improvements needed for the exercise of the grazing privileges of this lease, but any such fence shall be so constructed as to permit ingress and egress for miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

(e) That the lessee shall take all reasonable precaution to prevent and suppress forest, brush, and grass fires.

(f) The lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. Upon cancellation of this lease for any reason or upon termination thereof except when a renewal is requested, the Secretary of the Interior may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancellation, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. When an agreement cannot be reached between the interested parties as to the amount to be paid, the decision of the Secretary of the Interior shall be final and conclusive. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed 3 months from the date of cancellation of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States.

(g) That the lessee agrees to comply with all Federal and local laws regarding sanitation and such other sanitary measures as may be necessary.

(h) That the lessee will not enclose roads or trails commonly used for public travel so as to interfere with the traveling of persons who do not molest grazing animals.

(i) If the lessee shall fail to pay the rental as herein specified, or shall fail to comply with the provisions of the act, or make default in the performance or observance of any of the terms, covenants, and stipulations hereof or of the general regulations promulgated and in force at the date hereof, and such default shall continue 60 days after service of written notice thereof by the lessor, then the lessor may, in his discretion, terminate and cancel this lease.

(j) That the lessee shall not assign this lease or any interest therein, nor sublet any portion of the lease premises without the written consent of the Secretary of the Interior.

It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA,

BY ______________________________
First Assistant Secretary of
the Interior, Lessor.

____

____
Lessee.

Witness to signature of Lessee:

____

____

760 — Jpn 44

121701

Circular No. 1402

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 30, 1936.

Instructions under
Circular No. 1356
modified.

Registers,

U. S. Land Offices.

Sirs:

You are advised that departmental order of March 11, 1935, allocating certain duties to the General Land Office in connection with the administration of grazing districts, was, on June 30, 1936, modified by omitting section (3) thereof and amending sections (1) and (8) as follows:

> (1) Act as office for filing and record for all applications under the Taylor Grazing Act, with the exception of applications for licenses or permits, such applications to be filed in the Division of Grazing offices.
>
> (8) Proceed with the preparation for public distribution of base maps on a suitable scale for each grazing district that may be established.

In view of the above, the duties of the district land offices as outlined in Circular No. 1356 of June 7, 1935, are modified as follows:

(a) You will receive for filing and recording in the district land offices and such other disposal as may be directed from time to time, all applications under the Taylor Grazing Law, except applications for grazing permits or licenses, which cases will hereafter be filed in the appropriate local office of the Division of Grazing. All applications except applications for grazing permits or licenses will be entered on the serial register and noted also on the plats and tract books.

Cir 1402

(b) When applications for grazing licenses or permits are received in the district land offices no action of any kind need be taken thereon but all such applications and related papers so received should be immediately forwarded to the appropriate local office of the Division of Grazing.

(c) Permits or licenses when issued (in triplicate) by the Division of Grazing, will be delivered to the Register of the district land office in whose district the lands are situated, for serialization and notation upon the records of that land office, after which the original will be forwarded by the Register to the permittee upon payment in advance of the fee prescribed in the "Rules for Administration of Grazing Districts", the duplicate placed in the files of the district land office, and the triplicate forwarded by the Register to the General Land Office for notation upon its records.

(d) Permits or licenses involving exclusive rights to the use of a particular tract of land must be noted against the applicable sections and subdivisions on the plats and tract books unless an entire township is involved, in which event one notation per township will suffice, to be placed at the head of the township involved, similar to the present method of noting withdrawals, etc. In cases where such permits or licenses involving exclusive rights to the use of a particular tract of land embrace land in two land districts, the Register to whom the license or permit is forwarded by the Division of Grazing will, in addition to the requirements under (c), hereof, make a copy of such instrument and forward same to the other land office for appropriate notation as to the land involved in that district.

(e) Permits or licenses to graze in common with other permittees over an entire grazing district will not be noted except on the serial register of the district land office receiving same from the Division of Grazing, regardless of the fact that such grazing district may embrace lands in more than one land district.

(f) You will be held responsible for the collection of all grazing fees and disposition of all moneys so received, under the general direction and supervision of the Secretary of the Interior and the Commissioner of the General Land Office, to the same extent, and in the same manner, as fiscal matters in connection with other public land matters are now being handled. In connection with the collection of fees under grazing licenses or permits your attention is directed to Circular No. 1382 of March 28, 1936, as amended by Circular No. 1392 of June 11, 1936.

(g) As and when requested you will make available for the Division of Grazing office space, desk facilities, equipment and supplies and temporary clerical assistance as needed, and in every way cooperate with the Division of Grazing, provided such assistance, etc., does not seriously interfere with the regular functional activities of your office. In this connection your especial attention is called to paragraph 6 of the grazing division order approved by the Secretary on March 11, 1935, above referred to, to the end that complete and full cooperation will be had between the Division of Grazing and the U. S. district land offices.

(h) In order that the Division of Grazing may have available all pertinent information at the time applications for permits to graze within grazing districts are passed upon by it, the register of each United States district land office is instructed to notify the local representative of the Division of Grazing as to all applications filed in grazing districts for exchanges under section 8 of the Taylor Grazing Act, whether the base or the selected lands are within such districts. Also to notify the Division of Grazing of any applications purporting to be under section 14 or 15 of the Taylor Grazing Act for sales or leases where the lands involved are within grazing districts. This requirement is due to the fact that may of those seeking grazing privileges within grazing districts have erroneously applied for sales or leases, whereas the real purpose of such application was to secure a grazing permit. Furthermore, many applications for the sale or lease of lands under authority of sections 14 and 15, respectively, were filed prior to the inclusion of the lands involved in grazing districts.

Very respectfully,

(Sgd) D. K. Parrott,
Acting Assistant Commissioner.

1402

Part 256
CFR 43

122682

Still in effect
5/28/54 BB

Circular No. 1407

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 17, 1936.

REGULATIONS GOVERNING GIFTS OF LANDS UNDER SECTION 8 OF THE TAYLOR GRAZING ACT OF JUNE 28, 1934 (48 STAT. 1269), AS AMENDED BY SECTION 3 OF THE ACT OF JUNE 26, 1936 (PUBLIC NO. 827, 74TH CONGRESS).

Registers,

U. S. Land Offices.

Sirs:

Subsection (a) of section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by section 3 of the act of June 26, 1936 (Public No. 827, 74th Congress), provides:

> "That where such action will promote the purposes of the district or facilitate its administration, the Secretary is authorized, for the purpose of this Act only, to accept on behalf of the United States any lands within the exterior boundaries of a grazing district as a gift."

1. Offer to Convey. Gifts of lands within the exterior boundaries of a grazing district may be accepted by the Secretary of the Interior on behalf of the United States "where such action will promote the purposes of the district or facilitate its administration". Any person desiring to make such a gift of lands should submit to the Commissioner of the General Land Office at Washington, D. C., an offer to voluntarily convey and transfer to the United States any lands within a grazing district, describing such lands by legal subdivisions of the public land surveys. The offer should be accompanied by an affidavit showing that the offeror is the record owner in fee of the lands so offered, free and clear of all encumbrances, and that there are no persons claiming the land adversely to the offeror. The affidavit should also show whether there are any unpaid taxes or assessments levied or assessed against the offered land or that could operate as a lien thereon, and whether there is a tax or assessment due on such lands or that could operate as a lien thereon but which tax or assessment is not yet payable and that there are no unredeemed tax deeds outstanding against such lands offered to be conveyed to the United States. The offer and affidavit should be submitted in triplicate.

1407

2. Action by General Land Office. The offer of gift and accompanying affidavit will be promptly considered upon receipt in the General Land Office, and if found regular and the records of said office show the land involved to be in private ownership and in a grazing district, the duplicate will be transmitted to the Director of Grazing for a report as to whether the acquisition of such lands will promote the purposes of the grazing district or facilitate in its administration. If the Director of Grazing reports that the acquisition of such lands will promote the purposes of the grazing district or facilitate in its administration, the General Land Office will transmit the triplicate to the Director of the Division of Investigations for report as to what the records of the county in which the land is situated disclose as to the ownership of such land and any taxes that may be unpaid in connection with such land, and as to whether there are any persons occupying and claiming the lands adversely to the offeror. These reports shall be expedited to the Commissioner of the General Land Office, and if upon consideration thereof it shall appear that the offeror has good title to the land offered as a gift and that the acquisition of such land by the United States would be warranted, the register of the district land office will be advised, with the approval of the Secretary of the Interior of such offer and agreement to accept the same in behalf of the United States, and that a serial number should be assigned to the case and the General Land Office advised thereof, and that appropriate notations of the offer should be made on the district land office records. The register shall be instructed to advise the offeror of the agreement to accept the land involved as a gift, and that the offeror should submit a voluntary deed of conveyance to the United States of the land so offered, an affidavit stating that such offeror has not conveyed or encumbered the land in any manner from the time of making the offer up to and including the date of recordation of the deed, and evidence by the proper county official showing that all taxes or assessments levied or assessed against the offered land or that could operate as a lien thereon have been paid in full, whether there is a tax or assessment due on such lands or that could operate as a lien thereon but which tax or assessment is not yet payable and that there are no unredeemed tax deeds outstanding against such lands offered to be conveyed to the United States.

3. Deed of Conveyance. The deed of conveyance to the United States must be executed, acknowledged and duly recorded in accordance with the laws of the State in which the lands are situated. The deed should recite that it is made "as a gift", as authorized by section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended by section 3 of the act of June 26, 1936 (Public No. 827, 74th Congress). Where such deed is made by an individual, it must show whether the person making the conveyance is married or single. If married, the wife or husband of such person, as the case may be, must join in the execution and acknowledgment of the deed in such manner as to bar effectually any right of curtesy or dower, or any claim whatsoever to the land conveyed, or it must be fully and satisfactorily

shown that under the laws of the State in which the land conveyed is situated, such husband or wife has no interest whatsoever, present or prospective, which makes his or her joining in the deed of conveyance necessary. Where the deed of conveyance is by a corporation, it should be recited in the instrument of transfer that the deed was executed pursuant to an order or by the direction of the board of directiors, or other governing body, and a copy of such order or direction must accompany such instrument of transfer and both should bear the impression of the corporate seal.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

Approved: August 17, 1936.

(Sgd) T. A. Walters,

First Assistant Secretary.

123512

Circular No. 1408

See 1408a

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

September 3, 1936.

REGULATIONS GOVERNING EXCHANGES OF PRIVATELY-OWNED LANDS UNDER SECTION 8 OF THE TAYLOR GRAZING ACT OF JUNE 28, 1934 (48 STAT. 1269), AS AMENDED BY SECTION 3 OF THE ACT OF JUNE 26, 1936 (PUBLIC NO. 827, 74th CONGRESS).

Registers,

U. S. Land Offices.

Sirs:

Subsections (b) and (d) of section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by section 3 of the act of June 26, 1936 (Public No. 827, 74th Congress), provides:

> "(b) When public interests will be benefited thereby the Secretary is authorized to accept on behalf of the United States title to any privately-owned lands within or without the boundaries of a grazing district, and in exchange therefor to issue patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than 50 miles within the adjoining State nearest the base lands."
>
> "(d) Before any such exchange under this section shall be effected, notice of the contemplated exchange, describing the lands involved, shall be published by the Secretary of the Interior once each week for 4 successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in the same manner in some like newspaper published in any county in which may be situated any lands to be given in such exchange; lands conveyed to the United States under this act shall, upon acceptance of title, become public lands, and if located within the exterior boundaries of a grazing district, they shall become a part of the district within the boundaries of which they are located: *Provided*, That either party to an exchange based upon equal

1408 - Exchge Obsolete
See 1408 A

value under this section may make reservations of minerals, easements, or rights of use. Where reservations are made in lands conveyed either to or by the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary. Where mineral reservations are made by the grantor in lands conveyed by the United States it shall be so stipulated in the patent, and any person who prospects for or acquires the right to mine and remove the reserved mineral deposits may enter and occupy so much of the surface as may be required for all purposes incident to the prospecting for, mining, and removal of the minerals therefrom, and may mine and remove such minerals, upon payment to the owner of the surface for damages caused to the land and improvements thereon. No fees shall be charged for any exchange of land made under this act except one-half of the cost of publishing notice of a proposed exchange as herein provided."

1. Application for Exchange. Subsections (b) and (d) of section 8 of the act authorize the Secretary of the Interior to exchange for privately-owned lands within or without the exterior limits of a grazing district surveyed grazing district lands or unreserved surveyed public lands in the same State or within a distance of not more than 50 miles within the adjoining State nearest the base lands when the public interests will be benefited thereby. Whether or not an exchange will benefit the public interests is a question of fact to be determined by the Secretary of the Interior in the light of all the circumstances.

Persons, firms, or corporations desiring to exchange lands pursuant to this section **should** file in the district land office having jurisdiction over the selected lands or in the General Land Office, when there is no United States district land office within the State, an application, in triplicate, setting forth by legal subdivisions of the public land surveys the lands offered to the Government and the lands to be selected in exchange therefor. The application should contain the full name and post office address of the applicant, state whether or not any reservation of minerals, easements, or other rights in or to the offered lands are desired, and what use thereof is contemplated. It should also show the reservations or easements which are acceptable to the applicant and are to be made by the United States affecting the selected lands.

The application must be accompanied by an affidavit showing that the applicant is legally capable of consummating the exchange, that he is the owner of the lands offered in exchange, that such offered lands are not the basis of another selection or exchange, and that the selected lands are unappropriated and are not occupied, claimed, improved, or cultivated by any person adversely to the applicant.

The application must be accompanied with a corroborated affidavit relative to springs and water holes on the selected lands, in accordance with existing regulations pertaining thereto. The application must also be accompanied with an affidavit showing that the lands relinquished and the lands selected are approximately of equal value. The act requires that the value of the selected lands shall not exceed that of the offered lands, consideration being given to any reservation of minerals or easements which may be made by the applicant or the United States. The values of both offered and selected lands are to be determined by the Secretary of the Interior.

No fee is required except that the applicant shall pay one-half of the advertising cost as hereinafter provided.

2. Action by Register. If the application for exchange appears regular and in conformity with the law and these regulations, the Register will assign the current serial number thereto and after making appropriate notations on his records, will transmit the original and triplicate copies of the application to the General Land Office, and if the offered or selected lands are within the limits of a grazing district, he will transmit the duplicate copy of the application to the Director of Grazing, together with a report as to any conflicts of record. If the selected lands are within a grazing district, the Director of Grazing will report as to whether, in his opinion, the proposed exchange will benefit the public interests; whether, in his opinion, the exchange should be authorized, and as to whether there are any public watering places known to exist on any of the selected lands.

Upon receipt of the application from the Register of the local land office, if none of the selected lands are within a grazing district, or upon receipt of a favorable report from the Director of Grazing, if any of the selected lands are within a grazing district, the Commissioner of the General Land Office will, all else being regular, transmit the triplicate copy of the application to the Director of the Division of Investigations and request him to have a field investigation made for the purpose of determining the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by another; whether the selected lands contain minerals, timber, springs, water holes, hot or medicinal springs; whether the reservations which the applicant desires to make in the offered lands, if they be within a grazing district, together with the contemplated use of such reservations, will, in any way, affect adversely the administration of the grazing district, or any special features which should be considered in acting upon the application; the estimated value of the offered land for use in determining the amount of stamp tax required on the deed of the offered land; whether there are any reasons why the exchange should not be consummated; and such facts as will aid in determination of whether the proposed exchange is in the public interests.

3. Evidence Required. When the field investigation report is received and an exchange of equal values has been established, the Commissioner of the General Land Office, with the approval of the Department, unless he has reasons to do otherwise, will direct publication of notice of the contemplated exchange, and will require the applicant, through the Register of the district land office, to submit proof of publication of notice, a deed of conveyance of the offered lands duly recorded, an abstract of title showing that at the time the deed of conveyance to the United States was recorded the title to the lands covered by such deed was in the party making the conveyance, a certificate that the lands as conveyed were free from judgments or mortgage liens, pending suits, tax assessments, or other encumbrances, and a certificate by the proper official of the county in which the lands are situated showing that all taxes or assessments levied or assessed against the lands conveyed to the United States, or that could operate as a lien thereon, have been duly paid, whether there is a tax or assessment due on such lands or that could operate as a lien thereon but which tax or assessment is not yet payable and that there are no unredeemed tax sales and no tax deeds outstanding against such lands conveyed to the United States.

4. Publication of Notice. The publication notice must give the name and post office address of the applicant, serial number and date of the application, act under which application is filed, describe both the offered and selected lands in terms of legal subdivisions of the public land surveys, and state that the purpose of the notice is to permit all persons claiming the selected lands or having bona fide objections to such exchange an opportunity to file their protests or other objections in the district land office, or in the General Land Office, if there is no local land office in the state in which the selected land is situated, together with evidence that a copy of such protest or objection has been served upon the applicant. One-half of the cost of publication of the notice must be at the expense of the applicant, and the notice must be published once a week for four consecutive weeks in some designated newspaper of general circulation in the county or counties in which may be situated the lands offered to the United States, and in the same manner in some like newspaper published in any county in which may be situated any lands selected in exchange. In the event the newspaper is a daily, the publication should be made in the Wednesday issue thereof. A similar notice will be posted in the district land office during the required period of publication and the Register shall certify as to the posting. Publication of notice will be directed by the General Land Office in a certain newspaper or newspapers designated by the Commissioner of the General Land Office in instructions to the register. Each newspaper will collect 50 percent of the cost of publication from the applicant and submit proper vouchers to the United States for the remaining 50 percent of such cost. Proof of publication of notice shall consist of an affidavit by the publisher, or foreman, or other proper employee of the newspaper, showing the dates of publication, and attaching thereto a copy of the notice as published. The register shall transmit such evidence of publication to the General Land Office with his report as to whether or not

protests or contests have been filed against the proposed exchange, and shall certify as to the posting of notice in his office.

5. Deed of Conveyance. The deed of conveyance to the United States must be executed, acknowledged, and duly recorded in accordance with the laws of the state in which the lands are situated. Such revenue stamps as are required by law must be affixed to the deed and canceled. The deed should recite that it is made "for and in consideration of the exchange of certain lands, as authorized by section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (Public No. 827, 74th Congress)." Where such deed is made by an individual, it must show whether the person making the conveyance is married or single. If married, the wife or husband of such person as the case may be, must join in the execution and acknowledgment of the deed in such manner as to bar effectually any right of curtesy or dower, or any claim whatsoever to the land conveyed, or it must be fully and satisfactorily shown that under the laws of the state in which the land conveyed is situated, such husband or wife has no interest whatsoever, present or prospective, which makes his or her joining in the deed of conveyance necessary. Where the deed of conveyance is by a corporation, it should be recited in the instrument of transfer that the deed was executed pursuant to an order or by the direction of the board of directors, or other governing body, and a copy of such order or direction must accompany such instrument of transfer and both should bear the impression of the corporate seal.

6. Abstract of Title. The abstract of title must show that the title memoranda contained therein are a full, true and complete abstract of all matters of record or on file in the offices of the recorder of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, pending suits, judgments, liens, lis pendens or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the office of the clerks of courts of record affecting in any manner whatsoever the title to the land to be conveyed to the United States. The abstract of title may be prepared and certified by the recorder of deeds or other proper officer under his official seal, or it may be prepared and authenticated by an abstracter or by an abstract company, approved by the General Land Office, in accordance with section 42 of the mining regulations of April 11, 1922 (49 L. D. 15, 69).

7. Taxes. In case taxes have been assessed or levied on lands conveyed to the United States, and such taxes are not due and payable until some future date, the applicant in addition to the certificate above required relative to taxes and tax assessments, may furnish a bond with qualified surety for the sum of twice the amount of taxes paid on the land for the previous year in order to indemnify the United States against loss for the tax as assessed or levied but not yet due

and payable. I[illegible]eu of the bond the applicant [illegible] submit a sum similar to that required in the bond, and if and when proper evidence is furnished showing the taxes on the land conveyed have been paid in full, the said sum will be returned to the applicant.

8. Action by General Land Office. The publication of notice, conveyance, abstract of title and other evidence required of the applicant will, upon receipt in the General Land Office, be examined, and if found regular and in conformity with law, and there are no objections, title will be accepted to the offered land and patent will issue for the land selected in exchange.

Should the report from the Director of the Division of Investigations, upon field investigation, disclose inequalities of value, the Commissioner of the General Land Office will advise the applicant and afford him an opportunity to adjust matters so as to bring the exchange within the provisions of the law.

Notices of additional requirements, rejection or other adverse action will be given, and the right of appeal, review, or rehearing recognized in the manner now prescribed by the Rules of Practice. Protests against exchanges should be filed in the district land office from where they will be transmitted to the General Land Office for consideration and disposal.

Should the application for exchange be finally rejected or the selection canceled for any reason, the abstract of title will be returned, and the applicant will be advised of his right to apply for a quitclaim deed under existing law for the land conveyed to the United States.

An application for exchange will be noted "suspended" by the register and unless disallowed, the lands applied for in exchange will be segregated upon the records of the district land office and the General Land Office.

Notice shall be given to the Director of Grazing of final action taken on applications hereunder in those cases where either offered or selected lands are within a grazing district.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

I concur:

(Sgd) Jullian Terrett,

Acting Director, Division of Grazing.

I concur:

(Sgd) R. R. Smith,

Acting Director, Division of Investigations.

Approved: September 3, 1936.

(Sgd) Charles West,
Under Secretary.

The undersigned, being first duly sworn, depose.... and say.... that.......... .... the applicant.... in the foregoing proposed exchange; that .... the owner.... of the land offered in the exchange, and .... legally capable of consummating such exchange; that the lands relinquished and those selected are approximately of equal value, and are not the basis of any other selection or exchange, and that the selected lands are unappropriated and are not in any manner occupied, claimed, improved or cultivated adversely to the applicant.....

....

....

Subscribed and sworn to before me, this.................... day of ...., 19......

....

....
(Official Designation)

1908

Office Copy

102824

Obsolete

Replaced by # ~~1762~~ 1814

Circular No. 1408a

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

EXCHANGES OF PRIVATELY OWNED LANDS UNDER TAYLOR GRAZING ACT

Regulations contained in Part 146, Title 43
of the Code of Federal Regulations

(Reprint, November 28, 1944, with amendments).

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EXCHANGES OF PRIVATELY-OWNED LANDS WITHIN OR WITHOUT GRAZING DISTRICTS, WHEN PUBLIC INTERESTS WILL BE BENEFITED

Section 146.1 Statutory authority. Subsections (b) and (d) of section 8 of of the Taylor Grazing Act of June 28, 1934, as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), authorize the Secretary of the Interior when the public interests will be benefited thereby to accept on behalf of the United States title to any privately owned land within or without the boundaries of a grazing district and in exchange therefor to issue a patent not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than 50 miles within the adjoining State nearest the base land. Either party to an exchange may make reservations of minerals, easements, or rights of use. Whether or not an exchange will benefit the public interests is a question of fact to be determined by the Secretary of the Interior in the light of all the circumstances.

146.2 Application and affidavits required. Persons, firms, or corporations desiring to exchange lands pursuant to § 146.1 should file in the district land office having jurisdiction over the selected lands or in the General Land Office, when there is no district land office within the State, an application, in triplicate, setting forth by legal subdivisions of the public land surveys the lands offered to the Government and the lands to be selected in exchange therefor. The application should contain the full name and post office address of the applicant, state whether or not any reservation of minerals, easements, or other rights in or to the offered lands are desired, and what use thereof is contemplated. It should also show the reservations or easements which are acceptable to the applicant and are to be made by the United States affecting the selected lands.

The application must be accompanied by an affidavit showing that the applicant is legally capable of consummating the exchange, that he is the owner of the lands offered in exchange, that such offered lands are not the basis of another selection or exchange, and that the selected lands are unappropriated and are not occupied, claimed, improved, or cultivated by any person adversely to the applicant.

The application must be accompanied with a corroborated affidavit relative to springs and water holes on the selected lands, in accordance with § § 292.1-292.9. The application must also be accompanied with an affidavit showing that the lands relinquished and the lands selected are approximately of equal value. The Act requires that the value of the selected lands shall not exceed that of the offered lands, consideration being given to any reservation of minerals or easements which may be made by the applicant or the United States. The values of both offered and selected lands are to be determined by the Secretary of the Interior.

No fee is required except that the applicant shall pay one-half of the advertising cost as provided in § 146.5.

146.3 Action on applications; reports. If the application for exchange appears regular and in conformity with the law and the regulations, the register will assign a serial number thereto, and after appropriate notations have been made upon the records of the district land office, will transmit the original and duplicates of the application to the General Land Office, for preliminary consideration, together with a report, in duplicate, as to any conflicts of record. If, upon examination of the application, it appears that any of the lands involved (either offered or selected) are within any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary a field examination will be authorized.

The report by the Director of Grazing, will include information as to whether there are any watering places of public value on any of the selected lands.

The regional field examiner, if requested, will report as to the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by another; whether the selected lands contain minerals, timber, springs, water holes, or hot or medicinal springs; whether any proposed reservation by the applicant in the offered lands will affect the equality of the values; whether there are any reasons why the exchange should not be consummated; and such facts as will aid in determination of whether the proposed exchange is in the public interests.[1]

146.4 Evidenced Required. When the field investigation report is received and an exchange of equal values has been established, the Commissioner of the General Land Office, with the approval of the Department, unless he has reasons to do otherwise, will direct publication of notice of the contemplated exchange, and will require the applicant, through the register of the district land office, to submit proof of publication of notice, a deed of conveyance of the offered lands duly recorded, an acceptable policy of title insurance, or an abstract of title showing that at the time the deed of conveyance to the United States was recorded the title to the lands covered by such deed was in the party making the conveyance, a certificate that the lands as conveyed were free from judgments or mortgage liens, pending suits, tax assessments, or other encumbrances, and a certificate by the proper official of the county in which the lands are situated showing that all taxes or assessments levied or assessed against the lands conveyed to the United States, or that could operate as a lien thereon, have been duly paid, whether there is a tax or assessment due on such lands or that could operate as a lien thereon but which tax or assessment is not yet payable and that there are no unredeemed tax sales and no tax deeds outstanding against such lands conveyed to the United States. [2]

146.5 Publication and posting; cost of publication. The publication notice must give the name and post office address of the applicant, serial number and date of the application, act under which applicant is filed, describe both the offered and selected lands in terms of legal subdivisions of the public land surveys, and state that the purpose of the notice is to permit all persons claiming the selected lands or having bona fide objections to such exchange an opportunity to file their protests or other objections in the district land office or in the General Land Office, if there is no local land office in the State in which the selected land is situated, together with evidence that a copy of such protest or objection has been served upon the applicant. One-half of the cost of publication of the notice must be at the expense of the applicant, and the notice must be published once a week for 4 consecutive weeks in some designated newspaper of general circulation in the county or counties in which may be situated the lands offered to the United States, and in the same manner in some like newspaper published in any county in which may be situated any lands selected in exchange. In the event the newspaper is a daily, the publication should be made in the Wednesday issue thereof. A similar notice will be posted in the district land office during the required period of publication and the register shall certify as to the posting. Publication of notice will be directed by the General Land Office in a certain newspaper or newspapers designated by the Commissioner of the General Land Office in instructions to the register. Each newspaper will collect 50 percent of the cost of publication from the applicant and submit proper vouchers to the United States for the remaining 50 percent of such cost. Proof of publication of notice shall consist of an affidavit by the publisher, or foreman, or other proper employee of the newspaper, showing the dates of publication, and attaching thereto a copy of the notice as published. The register shall transmit such evidence of publication to the General Land Office with his report as to whether or not protests or contests have been filed against the proposed exchange, and shall certify as to the posting of notice in his office.

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[1] As amended by Circ. 1474, July 8, 1940 and Circ. 1543, May 21, 1943.

[2] As amended by Circ. 1543, May 21, 1943.

146.6 Deed to United States. The deed of conveyance to the United States must be executed, acknowledged, and duly recorded in accordance with the laws of the State in which the lands are situated. Such revenue stamps as are required by law must be affixed to the deed and canceled. The deed should recite that it is made "for and in consideration of the exchange of certain lands, as authorized by section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976)." Where such deed is made by an individual, it must show whether the person making the conveyance is married or single. If married, the wife or husband of such person as the case may be, must join in the execution and acknowledgment of the deed in such manner as to bar effectually any right of courtesy or dower, or any claim whatsoever to the land conveyed, or it must be fully and satisfactorily shown that under the laws of the State in which the land conveyed is situated, such husband or wife has no interest whatsoever, present or prospective, which makes his or her joining in the deed of conveyance necessary. Where the deed of conveyance is by a corporation, it should be recited in the instrument of transfer that the deed was executed pursuant to an order or by the direction of the board of directors, or other governing body, and a copy of such order or direction must accompany such instrument of transfer and both should bear the impression of the corporate seal.

146.7 Abstract of title. The abstract of title must show that the title memoranda contained therein are a full, true and complete abstract of all matters of record or on file in the offices of the recorder of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, pending suits, judgments, liens, lis pendens or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the office of the clerks of courts of record affecting in any manner whatsoever the title to the land to be conveyed to the United States. The abstract of title may be prepared and certified by the recorder of deeds or other proper officer under his official seal, or it may be prepared and submitted in such form and by such abstracter or company as may be satisfactory to the Commissioner of the General Land Office. A policy of title insurance, or a certificate of title, may be accepted in lieu of an abstract, in proper cases, when issued by a title company. A policy of title insurance when furnished must be free from conditions and stipulations not acceptable to the Department of the Interior. A certificate of title will be accepted only where the certificate is made to the Government, or expressly for its benefit, and where the interests of the Government will be sufficiently protected thereby.3/

146.8 Taxes. In case taxes have been assessed or levied on lands conveyed to the United States, and such taxes are not due and payable until some future date, the applicant, in addition to the certificate required by § 146.4 relative to taxes and tax assessments, may furnish a bond with qualified surety for the sum of twice the amount of taxes paid on the land for the previous year in order to indemnify the United States against loss for the tax as assessed or levied but not yet due and payable. In lieu of the bond the applicant may submit a sum similar to that required in the bond, and if and when proper evidence is furnished showing the taxes on the land conveyed have been paid in full, the said sum will be returned to the applicant.

146.9 Approval of exchange; rules of practice to be followed. The publication of notice, conveyance, abstract of title and other evidence required of the applicant will, upon receipt in the General Land Office, be examined, and if found regular and in conformity with law, and there are no objections, title will be accepted to the offered land and patent will issue for the land selected in exchange.

Should information available to the General Land Office disclose inequalities of value, the Commissioner of the General Land Office will advise the applicant and afford him an opportunity to adjust matters so as to bring the exchange within the provisions of the law.4/

Notices of additional requirements, rejection or other adverse action will be given, and the right of appeal, review, or rehearing recognized in the manner now prescribed by the rules of practice, Part 221. Protests against exchanges should be filed in the district land office from where they will be transmitted to the General Land Office for consideration and disposal.

Should the application for exchange be finally rejected or the selection canceled for any reason, the abstract of title will be returned, and the applicant will be advised of his right to apply for a quitclaim deed under existing law for the land conveyed to the United States.

An application for exchange will be noted "suspended" by the register and unless disallowed, the lands applied for in exchange will be segregated upon the records of the district land office and the General Land Office.

Notice shall be given to the Director of Grazing of final action taken on applications hereunder in those cases where either offered or selected lands are within a grazing district.

3/ As amended by Circ. 1550, May 29, 1943.

4/ As amended by Circ. 1474, July 8, 1940 and Circ, 1543, May 21, 1943.

123882
RECEIVED
U.S. LAND OFFICE
BILLINGS, MONTANA
Date SEP 21 1936
Hour

Circular No. 1410

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

#1367 destroy

September 16, 1936

Instructions re oil
and gas filings.

Registers,

United States Land Offices.

Sirs:

It has come to the attention of this office that information is being released by the various land offices to the effect that applications under the amendatory oil and gas leasing act of August 21, 1935 (49 Stat. 674), for oil and gas leases to be issued without competitive bidding, can not embrace more than 640 acres. This information is erroneous.

Circular 1386, which contains the regulations under the amendatory act of August 21, 1935, provides, in section 10(d) and (e), that leases issued without competitive bidding may not exceed 2,560 acres of lands which are not within the known geologic structure of a producing oil and gas field.

Circular 1367 did provide that applications for non-competitive leases under the act of August 21, 1935, could embrace not more than 640 acres but that circular has been superseded by Circular 1386 and the regulations contained in the latter circular are now controlling.

Cir 1410

You are accordingly instructed to advise all inquirers in accordance herewith and to give this information as much publicity as possible without expense to the Government. Also, all copies of Circular 1367 now in your files should be destroyed.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

ADD[illegible]S ONLY THE COMMISSIONER OF THE GENERAL LAND [illegible]ICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONTANA
Date OCT 29 1936
Hour

OCT 26 1936

IN REPLY PLEASE REFER TO
☞ "K" CRD

Obsolete — See Circ. 1401a

Part 160 CFR-43 completely amended by Circ. 1807

Instructions.

Registers,
U. S. Land Offices.

Sirs:

You will receive shortly copies of Circular No. 1412, instructions relative to the issuance of one year grazing leases under Section 15 of the Taylor Grazing Act. These regulations are to be put into effect immediately and every effort is to be made to expedite action in the adjudication of all pending grazing applications under said Section 15.

To this end, the record in all applications for grazing leases, affecting lands in your district, that have so far been received at this office are being forwarded to you, irrespective of whether such applications involve lands within or without proposed grazing districts. Those applications that involve lands within proposed grazing districts should be rejected, subject to the usual right of appeal. Those involving public lands outside of existing or proposed grazing districts are to be adjudicated in accordance with the instructions

Circ. 1412

contained in said Circular 1412.

For your information, there is forwarded herewith a State map upon which is delineated the areas outside of existing or porposed grazing districts insofar as your land district is concerned. The map superseded the map heretofore furnished you January 23, 1936, in connection with Circular No. 1376. This map also indicated by appropriate symbols the theoretical number of acres per cow month required under normal conditions insofar as the lands outside of existing or proposed districts are concerned. It is the chart referred to in that paragraph of said Circular No. 1412, regarding the rental to be charged for grazing leases.

As an example in computing the rate to be charged for an area awarded in a lease, assume a case in which the lease area is 640 acres and that the map indicates that that particular locality requires 4 acres per cow month, the 640 acres will, therefore, produce 160 cow months of feed, that is to say, at the rate of 160 cows for 1 month, 20 cows for 8 months. Computed at the rate of 5 cents per cow month, as provided in the regulations, the rental for the 640 acres for the year's lease would be $8.00. It will be assumed that 5 sheep or goats are equal to 1 cow or horse in feed consumption.

While this office hopes to be able to have one of its representatives contact those United States district land offices that have a considerable number of Section 15 grazing lease applications to adjudicate, you are not to await his arrival but will proceed immediately, with the counsel and advice of the representative from the Division of Investigations to be assigned to your office, with the adjudication of all pending applications,

1412

looking to the prompt issuance of grazing leases in meritorious cases under the instructions contained in said Circular 1412.

Very respectfully,

(Signed) D. K. PARROTT

Acting Assistant Commissioner.

(COPY 10-26)

Cir 1412

125709

Circular No. 1412.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

October 22, 1936.

INSTRUCTIONS RELATIVE TO THE ISSUANCE OF ONE YEAR LEASES UNDER SECTION 15 OF THE TAYLOR GRAZING ACT.

Registers,

U. S. Land Offices.

Sirs:

With a view to expediting the issuance of grazing leases under section 15 of the Taylor Grazing Act approved June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (Public, No. 827), you will, until further instructed, take action on applications for such leases as herein directed.

In order that the procedure followed in each district land office may be as uniform as possible, the following instructions are issued:

Copies of all pending applications in this office, embracing lands in your district and outside of established or proposed grazing districts, are being forwarded to you under separate cover together with copies of reports that have been received from the Special Agents in Charge.

You will immediately take up these and all other such cases for action in the order of their filing, in so far as practicable, and obtain the status of the lands involved as shown by the records of your office, noting all conflicting lease applications and other conflicts. When such status is obtained, you will not consider the applications as to any lands not properly subject to lease, thereby eliminating from consideration all but the vacant, unreserved, and unappropriated public lands. However, when it is found that any application for lease conflicts

Cir 1412

with an application under any other section of the Taylor Grazing Act as amended, regardless of the date of filing of such other application, or when it is found that the application for lease embraces withdrawn or reserved lands, the lease application will be suspended as to such tract or tracts until such a time as a determination can be made by this office regarding the respective rights of the parties interested.

If it is found that any application embraces isolated or disconnected tracts of 760 acres or less you will, at the earliest date possible, direct publication in the manner hereinafter prescribed. When an application embraces tracts in excess of 760 acres no publication will be required, and where it is found that an application includes tracts of 760 acres or less and also tracts in excess of 760 acres, you will direct publication only as to the tracts of 760 acres or less. Care should be exercised in ordering publications in order that the same tract is not included in more than one publication. The expense of such publication will be paid for by the applicants.

Publication will be required on the senior application as to tracts of 760 acres or less. However, if a lease for all or any part of the tracts is awarded to an applicant on whose application publication was not required, such applicant, prior to the inclusion of such lands in a lease, will be required to furnish evidence to the effect that the applicant who paid the expense of publication has been reimbursed for such cost or part thereof.

The following form of notice will be used when ordering publication:

> DEPARTMENT OF THE INTERIOR, U. S. Land Office ____________ ____________________________. Notice is hereby given that ______(applicant)______, of ____(post office address)___, has filed application __(serial no.)__ under the Taylor Grazing Act to lease ___(description of land applied for)___ ____.
>
> Said lands are offered for lease upon such terms and conditions as may be prescribed. Any and all persons desiring to lease all or any part thereof for grazing purposes under authority of said act, must file notice of their claims, or proper grazing lease applications, in this office within 90 days from date of the first publication of this notice.
>
> ______________________
> Register.

Date of first publication: ______________________________.

In directing publication you will be guided by the instructions contained in paragraph 15 of Circular 1401, except that you will direct publication in all cases whether they are pending in this office or not.

To assist you in adjudicating applications there will be detailed to your office by the Division of Investigations a special agent or agents familiar with the land within your land district who will act in an advisory capacity to you especially regarding the carrying capacity of the land involved and as to any division of lands to be made between conflicting applications based upon information obtained by them through previous investigations in the vicinity. This procedure will, for the time being, eliminate the submission of formal reports by the Division of Investigations as heretofore required under former, instructions (Circular 1401).

As to applications for lease embracing a tract or tracts in excess of 760 acres which are properly subject to lease, you will in each case make a determination as to the lands which, in your opinion, the applicant is entitled to lease. In making this determination you will take into consideration all information contained in your records, together with such other information as the special agent is able to furnish. This course of action will also be followed on applications which include both tracts of 760 acres or less and tracts in excess of 760 acres except that you will not withhold the issuance of leases on such applications as to the tracts in excess of 760 acres, pending the expiration of the 90-day preference period allowed in the published notices.

In determining the rental to be charged, you will use as a basis the chart to be furnished you by this office which is self-explanatory. It indicates the theoretical number of acres per cow month required under normal conditions. (You may also take into consideration the number of livestock the applicant or applicants state in their applications they desire to graze upon the lands). Based upon the seasonal use of the range in any particular area and a nominal charge of 5 cents per head per month or fraction thereof per each head of cattle or horses and 1 cent per month or fraction thereof for each sheep or goat, the rental charge for the area awarded in the lease will be arrived at.

1412

When such determination is made as to the lands to be awarded and the rental to be charged, you will prepare and forward to the applicant by registered mail a proposed lease, in quadruplicate, on forms to be furnished you, advising him that he will be allowed 10 days from receipt thereof within which to execute the proposed lease and return the same to you accompanied with the amount due as rental as set forth therein.

In the event the applicant is not awarded all the lands applied for, your letter to him should set forth fully all reasons why the proposed lease does not embrace all the lands and that your action is subject to the right of appeal to the Commissioner of the General Land Office, advising him, however, whether or not an appeal is filed, his rights as to any lands applied for but not included in the proposed lease will, in due course, be adjudicated by the General Land Office and such lands included in a supplemental lease to him if warranted.

If, within the time allowed, the applicant returns the lease forms properly executed, together with the amount due as rental, you will date and sign the four copies and make appropriate notations on your records. You will then forward one copy of the lease to the applicant, retain one copy for your files, and forward the original and one signed copy to this office, together with copies of all correspondence had in connection with the issuance of the lease.

If and when an appeal is filed from your award of the lease, you will immediately forward the same, together with copies of your correspondence to this office, and any decision rendered by this office will be subject to the right of appeal to the Secretary of the Interior.

Upon expiration of the 90-day period allowed in the published notices, relative to tracts of 760 acres or less, you will consider all protests, objections, and other lease applications for any or all the lands involved that may have been received in your office and proceed to make such determination as to the award of the lands as outlined above.

These regulations are not to be considered as a revocation of Circular 1401, as amended by Circular 1411, but are to be considered a temporary modification thereof in so far as said circular is inconsistent herewith.

Very respectfully,

(Sgd) Antoinette Funk,
Acting Commissioner.

I concur:

(Sgd) Julian Terrett,

Acting Director, Division of Grazing.

I concur:

(Sgd) B. B. Smith,

Acting Director of Investigations.

Approved: October 22, 1936.

(Sgd) T. A. Walters,

First Assistant Secretary.

1412

126783

Circular No. 1413

REGULATIONS GOVERNING MOTOR TRUCK OR WAGON ROAD RIGHTS OF WAY UNDER THE ACT OF JANUARY 21, 1895 (28 STAT. 635), AS AMENDED BY THE ACT OF MAY 11, 1898 (30 Stat. 404).

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONTANA
Date NOV 10 1936
Hour

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

October 26, 1936.

Registers,

U. S. Land Offices.

Sirs:

For some years it has been the practice of the Department to approve maps filed under the act of January 21, 1895 (28 Stat. 635), as amended by section 1 of the act of May 11, 1898 (30 Stat. 404), showing rights of way for motor truck roads used in connection with logging operations and to approve maps showing rights of way for narrow gauge railroads used in connection with such operations.

On May 21, 1936, the Department approved an office letter (1641472) addressed to the representative of a mining company holding that the said act as amended is applicable to rights of way for motor truck or wagon roads used in connection with the other businesses enumerated in the act of January 21, 1895, namely, mining or quarrying.

You will, therefore, accept applications under the said act, as amended, for rights of way for tramways, tramroads, motor truck and wagon roads to be used in connection with the businesses enumerated in the act.

Very respectfully,

(Sgd) Antoinette Funk,
Acting Commissioner.

Approved: October 26, 1936.

(Sgd) T. A. Walters,

First Assistant Secretary.

1413

127602

Circular No. 1414.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

MEMORANDUM CONCERNING THE CAREY ACT AND REGULATIONS.

Abbreviations: Stat. - U.S. Statutes at Large; L.D. - Land decisions of the Department of the Interior; I.D. - Decisions of the Department of the Interior.

CAREY ACT

Section 4 of the act of August 18, 1894 (28 Stat. 422), authorizes the Secretary of the Interior, with the approval of the President, to contract and agree to patent to States, in which there are desert lands, not to exceed 1,000,000 acres of such lands to each State, under the conditions specified in the act. The lands selected by the several States are segregated from the public domain for a period of ten years, the States undertaking within that time to cause an adequate irrigation system to be constructed and a sufficient water supply to be made available in a substantial ditch for the reclamation of the lands by irrigation. The lands when patented are disposed of by the States to actual settlers.

AMENDING AND SUPPLEMENTAL STATUTES

The act of June 11, 1896 (29 Stat. 434), authorizes a lien on the land for the cost of construction of the irrigation works and permits the issuance of patent without actual cultivation of the land.

Section 3 of the act of March 3, 1901 (31 Stat. 1188), authorizes an extension of the period of segregation for not exceeding 5 years.

The act of March 1, 1907 (34 Stat. 1056), extends the provisions of the law to the former Southern Ute Indian Reservation in Colorado.

The Joint Resolution approved May 25, 1908 (35 Stat. 577), grants to the State of Idaho an additional 1,000,000 acres.

The act of May 27, 1908 (35 Stat. 347), grants to the State of Idaho an additional 1,000,000 acres, and to the State of Wyoming an additional 1,000,000 acres.

The act of February 18, 1909 (35 Stat. 638), extends the provisions of the Carey Act to the States of Arizona and New Mexico.

The act of February 24, 1909 (35 Stat. 644), extends the provisions of the Carey Act to the former Ute Indian Reservation in Colorado.

The act of March 15, 1910 (36 Stat. 237), authorizes a temporary withdrawal for one year of lands, which the State may propose to select, with a view to enabling the State to examine the lands and plan the method of reclamation.

Section 23 of the act of April 4, 1910 (36 Stat. 285), extends the provisions of the Carey Act to the former Uintah Indian Reservation in Utah.

Section 27 of the act of April 4, 1910 (36 Stat. 288), as amended by section 18 of the act of June 25, 1910 (36 Stat. 860), extends the Carey Act to the former Wind River Indian Reservation in Wyoming.

The act of February 16, 1911 (36 Stat. 913), extends the Carey Act to the former Ft. Bridger Military Reservation in Wyoming.

The act of February 21, 1911 (36 Stat. 925), permits the sale of surplus water by the United States Bureau of Reclamation for use upon Carey Act lands.

The act of March 4, 1911 (36 Stat. 1417), grants the State of Nevada an additional 1,000,000 acres.

The Joint Resolution of August 21, 1911 (37 Stat. 38), grants the State of Colorado an additional 1,000,000 acres.

The act of February 14, 1920 (41 Stat. 407), relates to preference rights of State Carey Act entrymen upon lands restored to the public domain from Carey Act segregations.

The act of January 6, 1921 (41 Stat. 1085), further amends the Carey Act by limiting the time within which the work of reclamation must be commenced.

GENERAL STATUTES

The act of March 3, 1909 (35 Stat. 844), permits the States to elect to receive patent with reservation of the coal to the United States, for lands classified or withdrawn as coal subsequently to selection.

The act of June 22, 1910 (36 Stat. 583), permits Carey Act selections to be made for coal lands where the selection is made with a view to obtaining title to the surface only.

The act of July 17, 1914 (38 Stat. 509), permits Carey Act selection of lands containing phosphate, nitrate, petroleum, oil, gas, or asphaltic minerals where the selection is made with a view to obtaining title with a reservation of the mineral to the United States.

Public Resolution No. 85 (46 Stat. 580), approved June 12, 1930, relative to preference rights of ex-service men on restored Carey Act land.

The act of March 4, 1933 (47 Stat. 1570), authorizes Carey Act selection of lands containing sodium and/or sulphur as provided by the act of July 17, 1914.

The act of June 18, 1934 (48 Stat. 984), to conserve and develop Indian lands and for other purposes.

The act of June 28, 1934 (48 Stat. 1269), Section 7, as amended by section 2, act June 26, 1936 (49 Stat. 1976) authorizes Carey Act selection of lands withdrawn or reserved by Executive Order of November 26, 1934 (No. 6910) and amendments thereof, or within a grazing district.

REGULATIONS

36 L.D., 342,	States to report annually the lands patented to individuals. March 30, 1908.
37 L.D., 489,	Instructions to agents and inspectors. March 9, 1909.
37 L.D., 624,	General Regulations. April 9, 1909. Acts August 18, 1894 and June 11, 1896.
37 L.D., 682,	Applications for extension of time. May 13, 1909. Sec. 3 act March 3, 1901.
38 L.D., 287,	Unsurveyed lands. November 3, 1909. Modified, 41 L.D., 649. March 15, 1913.
38 L.D., 580,	Temporary withdrawal. April 25, 1910. Act March 15, 1910.
41 L.D., 649,	State of Utah-Unsurveyed lands. March 15, 1913.
44 L.D., 32,	Phosphate, oil, and other mineral lands, Circular 393, March 20, 1915, Act July 17, 1914.
45 L.D., 535,	Eliminations from pending or approved applications for segregation or withdrawal. November 23, 1916.
46 L.D., 126,	Carey Act lands in Idaho. Acquisition of area in excess of legal limit. June 27, 1917.
47 L.D., 605,	Preference right of State Carey Act entrymen on restored Carey Act lands. Circular 731, December 10, 1920, Act February 14, 1920.
Circular 302,	Preference rights of ex-service men, July 22, 1930. Public Resolution No. 85.
54 I.D. 227,	Sodium and/or sulphur, Circular 1303, Act March 4, 1933.
54 I.D. 559,	Restoration of former Indian lands, Ute (Colorado), Uinta and Ouray (Utah), and Wind River (Wyoming), to tribal ownership. Act of June 18, 1934.
Circular 1353,	Revised. Regulations under section 7, act of June 28, 1934, as amended. October 26, 1936.

Inquiries relative to the acquisition of title by individuals to lands segregated or patented to a State under the Carey Act and by persons desiring to contract with a State for the construction of a system of works for the irrigation of lands under the Carey Act, should be addressed to the officials of the particular State, as follows:

Arizona: ----- State Land Commissioner, Phoenix.
Colorado:----- State Board of Land Commissioners, Denver.
Idaho: ----- The Commissioner of Reclamation, Boise.
Montana: ----- Carey Land Act Board, Helena.
Nevada: ----- Commission of Industry, Agriculture and Irrigation, Carson City.
New Mexico: -- Carey Act Land Board, Santa Fe.
Oregon: ----- State Reclamation Commission, Salem.
Utah: ----- State Land Commissioner, Salt Lake City.
Wyoming: ----- Commissioner of Public Lands and Farm Loans, Cheyenne.

Approved: November 27, 1936.

(Sgd) Fred W. Johnson

Commissioner.

128900

CIRCULAR NO. 1415

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Obsolete
See Circ 1852

December 28, 1936.

: Regulations governing mining
: under the act approved June 22,
: 1936, Public No. 750, 74th
: Congress.

Register,

Anchorage, Alaska.

Sir:

The act of June 22, 1936, Public No. 750 - 74th Congress, an act to extend the mining laws of the United States to the Glacier Bay National Monument in Alaska, provides as follows:

> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the area within the Glacier Bay National Monument in Alaska, or as it may hereafter be extended, all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws, with right of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.

Under this act, the lands in the Glacier Bay National Monument, reserved by proclamation of February 26, 1925 (43 Stat. 1988), or as it may be extended hereafter, are open to prospecting for the kinds of mineral now subject to location under the United States mining laws, and, upon discovery of any such mineral, locations may be made in accordance with the provisions of the mining laws and regulations thereunder. Such locations, duly made, will carry all the rights and incidents of mining locations, except that they will give to the locator no title to the land within their boundaries or claim thereto except the right to occupy and use so much of the surface of the land as required for all purposes reasonably necessary to mine and remove the minerals, such occupation and use to be under general regulations prescribed by the Secretary of the Interior.

1415

The owner of a mining location may cut such timber within the boundaries of his claim as is necessary for mining purposes. Prospectors may cut timber for their necessary mining and domestic uses only with the permission of the custodian of the monument or his representative who will designate the timber to be cut. All slash, brush or debris resulting from the cutting of timber upon mining claims or by prospectors shall be disposed of by the claimant or prospector in such manner and at such time as may be designated by the National Park Service officer in charge so as to prevent the creation of fire hazards, or conditions conducive to the development of infestation by timber-destroying insects.

Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining a permit from the Director of the National Park Service. Applications for such permits may be made through the officer in charge of the monument upon submitting a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee maintaining the road or trail in a passable condition so long as it is used by the permittee or his successors.

Occupation and use of the surface of an unpatented mining claim is restricted by the general law to such as is reasonably incident to the exploration, development and extraction of the minerals in the claim. Accordingly, any locator or patentee of a mining claim located under this act will be entitled to such right. Upon written permission of the Director of the National Park Service or his representative, the surface of such claim may be used for other specified purposes, the use to be on such conditions and for such period as may be prescribed when permission is granted.

Prospectors and miners shall at all times conform to any rules now prescribed or which may be made applicable by the Director of the National Park Service to the national monument.

Attention is called to the park regulations for the protection of wild life which provides:

> The national monument is a sanctuary for wild life of every sort, and all hunting, or the killing, wounding, frightening, capturing or attempting to capture at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited.
>
> Firearms, traps, seines, and nets are prohibited within the boundaries of the monument, except upon written permission of the custodian or his representative.

The right of occupation and use of the surface of the land embraced in the boundaries of a location, entry or patent pursuant to this act will terminate when the minerals are mined out or the claim is abandoned. Any owner of an unpatented location who fails to perform annual assessment work on his claim for any assessment period will be assumed to have abandoned his claim, and his right of occupation and use of the surface of the claim considered at an end.

Applications for patents and final certificates issued thereon for mining claims in this monument should be noted "Glacier Bay National Monument Lands", and all patents issued for claims under the act will convey title to the minerals only, and contain appropriate reference to the act and these regulations.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

I concur:

(Sgd) Arno B. Cammerer,

Director, National Park Service.

Approved: December 28, 1936

(Sgd) T. A. Walters,

First Assistant Secretary.

129108

RECEIVED
U.S. LAND OFFICE
BILLINGS, MONTANA
Date JAN 14 1937
Hour

Circular No. 1416

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

January 6, 1937.

In reply please refer to
1665913 "N" LLS

Oil and gas.
Applications to lease lands
in designated structures.
Instructions.

Obsolete see Circ
1840

Part 192 of 43 CFR

Registers,

United States Land Offices.

Gentlemen:

There are being received numerous applications for leases of lands within known geologic structures of producing oil and gas fields as defined by the Geological Survey, some of which applications are assigned serial numbers and filing fees collected, while others are treated as requests that the tracts be offered for lease.

Such lands are subject to leasing only at public auction under section 17 of the mineral leasing act as amended by the act of August 21, 1935 (49 Stat., 674), and no provision of the law or regulations authorize applications to be filed for lease of such lands, nor are any rights gained by filing applications therefor.

In order that the practice may be uniform, you will treat such applications for lands shown by your records to be within defined oil and gas fields, as requests that the lands be offered for lease, and assign no serial number, nor accept filing fees therefor. You will forward the applications to this office by separate letter and advise the applicant by ordinary mail of the action taken.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

Approved: January 6, 1937.

(Sgd) T. A. Walters,

First Assistant Secretary.

Cir 1416

132964

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONTANA
Date MAR 27 1937
Hour

Circular No. 1420

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 19, 1937.

Oil and gas applications for lands in patented private land claims.

Registers,
Los Angeles and
Sacramento, California.

Gentlemen:

Where an application for an oil and gas lease is presented at your office containing a description by fictitious subdivisions not shown on the official township plat, and the land is segregated as in a confirmed private land claim, and has been patented as such by the United States, you will stamp the following notation in the upper right-hand corner of the application:

> U. S. Land Office, California
> Application refused and returned because land has been patented by United States as a confirmed private land claim, and because of fictitious description of the land.
>
> ____________________Register.

No serial number will be assigned and no receipt will be issued. The application and money tendered therewith will be returned to the applicant, if present, or to the post-office address given in his application. You will enclose a copy of these instructions with the application.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

Approved: March 19, 1937.

(Sgd) T. A. Walters,

First Assistant Secretary.

applies to California

Cir 1420

sec

133344

RECEIVED
U.S. LAND OFFICE
ILLINGS, MONTANA
Date APR 2 - 1937
Mail

Circular No. 1423.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Obsolete see Director's memo 2/16/49.

Part 192 43 CFR –
See Circ. 1840

March 26, 1937

Assignments of oil and gas permits and leases.

Registers,

United States Land Office.

Gentlemen:

There will be required in the future a separate assignment of each oil and gas permit and lease when transfers of interests involve record titles, whether the interests are of the entire permit or lease, title to specific tracts, or undivided title interests.

When transfers to the same person, association, or corporation, involving more than one oil and gas lease or permit are filed for Departmental approval, one request for the approval thereof and one showing as to the qualifications of the assignee will be sufficient.

Give such publicity to this circular as may be done without cost to the Government.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

Approved: March 26, 1937.

(Sgd) Charles West,

Acting Secretary.

Cir 1423

web

134493

RECEIVED
U.S. LAND OFFICE
BILLINGS, MONTANA
Date APR 26 1937
Hour

Circular 1425
Instructions in re Circular 684.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 16, 1937

Obsolete - See Circ. 1860

1660257 "C" AZ

Registers,

United States Land Offices.

Sirs:

Circular 684, approved November 23, 1934, relates to the sale of isolated or disconnected tracts of unreserved public lands as authorized by Section 14 of the Taylor Grazing Act.

It directs the procedure the Register should follow in the handling of such applications "if the status of the lands is such that a sale might properly be ordered."

Section 15 of the circular states:

> "No tract of land will be ordered into the market unless, at the time application is filed, said tract is vacant, unreserved, and surrounded by lands which have been entered." (Underscoring supplied).

The Department under date of April 1, 1937, responding to a request made by this office for instructions as to whether lands covered by a lease, granted under Section 15 of the Taylor Grazing Act, should be considered as appropriated to the extent that it helps to isolate, for the period covered by the lease, an adjoining tract of vacant public land stated as follows:

> "It is not advisable to consider temporary or one-year leases as an appropriation which will have the effect of isolating or helping to isolate adjoining public land.
>
> As I view the matter the question you have asked is administrative. Lands which are leased under said section 15 for three years or more, the leases being subject to renewal, are held to be so appropriated that they help to isolate adjoining public land to make it subject to sale under section 14 of the Taylor Grazing Act.

Cir 1475

> It seems to me that lease applicants should not ordinarily omit from their applications small tracts which will become isolated or disconnected on the granting of leases pursuant to the applications. Whenever possible lease applicants should be advised so to make their applications as not to leave isolated or disconnected tracts which will only be fit for disposal under said section 14."

In view of the above in determining, in connection with an application for public sale, whether or not the status of the land is such that a sale might properly be ordered, you will bear in mind these instructions of the Department and take appropriate action on the applications.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

None in Stock

Office Copy

Circular No. 1432

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 9, 1937.

Extensions of time for
homestead and desert land
proofs under act of June 16,
1937 (Public No. 154, 75th
Congress).

- - - 0 - - -

Registers.

United States Land Offices.

Sirs:

The act of June 16, 1937 (Public No. 154, 75th Congress), entitled "An Act to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen", reads as follows:

> "That section 1 of the Act entitled 'An Act to extend the period of time during which final proof may be offered by homestead entrymen', approved May 13, 1932, as amended, is amended by striking out 'December 31, 1935' and inserting in lieu thereof 'December 31, 1936."

The instructions in Circular No. 1311 will be followed in granting relief under this act, the only changes therein made necessary by this act being that wherever the year 1934 appears it should be changed to 1936 and the following should be added to the title:

> "Amended by Act of June 16, 1937 (Public No. 154), so as to apply to final proofs becoming due on or prior to December 31, 1936".

Such changes have been made on the supply of said circular in this office. You will make similar changes in all copies of said circular in your office before sending them out to persons making requests for same.

Very respectfully,

Approved: July 9, 1937

(Sgd) Oscar L. Chapman,

Assistant Secretary.

(Sgd) Fred W. Johnson,
Commissioner.

Office Copy

22232

Circular No. 1433.

INSTRUCTIONS RE MINERAL RIGHTS IN FOREST EXCHANGES

---O---

Obsolete
See Circ 1752

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 9, 1937.

1686062 "K" JAD

Registers,

United States Land Offices.

Sirs:

Section 2 of the act of February 28, 1925 (43 Stat. 1090), reads as follows:

> "Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon: Provided, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located."

(over)

On May 13, 1937, the Secretary of Agriculture approved rules and regulations governing the exercise of mineral rights reserved in conveyances to the United States in forest exchange cases and by letter dated May 20, 1937, the Acting Chief, Forest Service, advised this office as follows:

> "In view of the fact that the form in which formal applications and deeds conveying lands offered to the United States in land exchanges under the provisions of the act of March 20, 1922 (42 Stat. 465), as amended by the act of February 28, 1925 (43 Stat. 1090), are prepared is a matter which comes under your jurisdiction, it is requested that the attached mimeographed copies of the rules and regulations governing the exercise of mineral rights reserved by proponents in such exchanges be distributed to your local land offices, with instructions that a copy thereof be attached to all formal applications and that the rules and regulations in question be expressed in and made a part of the deeds conveying lands to the United States in cases of this nature. * * *"

In the case of each and every application for exchange made under the act of March 20, 1922 (42 Stat. 465), as amended by the act of February 28, 1925 (43 Stat. 1090), where the exchange applicant reserves the rights to any or all minerals in lands offered to the United States in such an exchange, the applicant will be required to attach to and incorporate as a part of the formal application for exchange the rules and regulations referred to above. Such an applicant will also be required to incorporate the rules and regulations in question in the deed of reconveyance of the offered land to the United States.

A supply of the rules and regulations is enclosed herewith. An additional supply of same will be furnished upon request.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

Approved: July 9, 1937.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1434.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 22, 1937.

Suspending annual assessment work on mining claims. Act of June 24, 1937, Public No. 161, 75th Congress.

Registers,

U. S. Land Offices.

Sirs:

For your information, and in order that you may inform inquirers relative thereto, your attention is called to the act of June 24, 1937, Public No. 161, providing for the suspension of annual assessment work on mining claims held by location in the United States, and reading as follows:

> "*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States during the year beginning at 12 o'clock meridian July 1, 1936, and ending at 12 o'clock meridian July 1, 1937: *Provided*, That the provisions of this Act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1936: *Provided further*, That every claimant of any such mining claim, in order to obtain the benefits of this Act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian July 1, 1937, a notice of his desire to hold said mining claim under this Act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1936: *Provided further*, That such suspension of assessment

(over)

Mining - Waiver
1434 of assessment 1936-37

> work shall not apply to more than six lode-mining claims held by the same person, nor to more than twelve lode-mining claims held by the same partnership, association, or corporation: And provided further, That such suspension of assessment work shall not apply to more than six placer-mining claims not to exceed one hundred and twenty acres (in all) held by the same person, nor to more than twelve placer-mining claims not to exceed two hundred and forty acres (in all) held by the same partnership, association, or corporation."

Attention is called to the fact that this Act does not apply to Alaska but applies only to claimants in the United States who are exempt from the payment of a Federal income tax for the taxable year 1936, and who file on or before 12 o'clock noon July 1, 1937, in the office where the location notice or certificate is recorded, a notice of their desire to hold the claims under the Act. The notice so filed should state that they were entitled to exemption from the payment of a Federal income tax for the year 1936.

It is to be observed that an individual who files such notice is not entitled to exemption from performing assessment work on more than six lode claims nor on more than six placer claims not to exceed 120 acres (in all) and that a partnership, association, or corporation is not entitled to such exemption on more than twelve lode claims nor on more than twelve placer claims not to exceed two hundred and forty acres (in all).

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

Approved: July 22, 1937.

(Sgd) T. A. Walters,

First Assistant Secretary.

5096

See 1436a

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONTANA
Date OCT 4 1937
Hour

Circular No. 1436

AMENDMENT OF CIRCULAR NO. 1398 CONTAINING REGULATIONS GOVERNING EXCHANGES OF STATE LANDS UNDER SECTION 8 OF THE GRAZING ACT AS AMENDED BY THE ACT OF JUNE 26, 1936 (49 STAT. 1976).

Obsolete
See Cir. 1845

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

September 16, 1937

Registers,

U. S. Land Offices.

Sirs:

In order to provide that upon the filing of State-exchange applications under section 8 of the Taylor Grazing Act, as amended, copies of such applications be forwarded directly to the proper Special Agents in Charge, Division of Investigations, paragraphs 2 and 3 of Circular No. 1398, approved July 22, 1936, are hereby amended to read as follows:

> 2. Action by the Register. If the application for exchange appears regular and in conformity with the law and these regulations, the register will assign the current serial number thereto, and, after making appropriate notations upon his records, will transmit the original copy of the application to the General Land Office, together with a report as to any conflicts of record, transmitting the triplicate copy of each application to the proper Special Agent in Charge, Division of Investigations, together with a carbon copy of his report as to conflicts of record. If the selected lands are within a grazing district the register will transmit the duplicate copy of the application to the Director of Grazing, who will report to the Commissioner of the General Land Office as to whether in his opinion the selected lands are so located as not to interfere with the administration or value of the remaining lands in the district for grazing purposes within the meaning of the act.

1436

An application for exchange will be noted "suspended" by the register and unless disallowed, the lands applied for in exchange will be segregated upon the records of the district land office and General Land Office, and will not be subject to other appropriation, application, selection, or filing.

Circular No. 1384, approved April 15, 1936, is hereby revoked insofar as it pertains to exchanges by a State under section 8 of the Grazing Act, as amended.

3. Action of the General Land Office. When an exchange is based upon equal values, upon receipt of a favorable report from the Director of Grazing (where the selected lands are within a grazing district), all else being regular, the Commissioner of the General Land Office will request the Director of Investigations to have a field investigation made for the purpose of determining the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by anyone adversely to the State; whether the selected lands contain minerals, timber, springs, water holes, hot or medicinal springs, or any special features which should be considered in acting on the application; and whether the reservation which the State desires to make in the offered lands, if any, together with the contemplated use of such reservation, will in any way affect adversely the administration of the grazing district, if the offered lands are within a grazing district. The field examination should be made as soon as possible, and report and special recommendation should be submitted to the General Land Office.

When an exchange is based upon equal areas, if a field examination is found necessary to determine the character of the selected lands as to mineral or springs or water holes, the Director of Investigations will be requested to have a field investigation made for either or both of such purposes.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

Approved: September 16, 1937.

(Sgd) T. A. Walters,

First Assistant Secretary.

1436

25428

Circular No. 1436(a).

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONTANA
Date ---MAY 31 1938
Item

Part 147, CFR 43

AMENDMENT OF CIRCULAR NO. 1398 CONTAINING REGULATIONS GOVERNING EXCHANGES OF STATE LANDS UNDER SECTION 8 OF THE GRAZING ACT.

Obsolete see Cir. 1845

~~1436a~~

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 23, 1938.

1. Amendment. In order to provide that both original and duplicate copies of State exchange applications filed under section 8 of the Taylor Grazing Act, as amended, shall be forwarded by the Registers of the district land offices, to the General Land Office, paragraphs 2 and 3 of Circular No. 1398, approved July 22, 1936, as amended by Circular No. 1436, approved September 16, 1937, hereby are amended further to read as follows:

> 2. Action by the Register. If the application for exchange appears regular and in conformity with the law and these regulations, the register will assign the current serial number thereto, and, after making appropriate notations upon his records, will transmit the original and duplicate copies of the application to the General Land Office, together with a report as to any conflicts of record, transmitting the triplicate copy of each application to the proper Special Agent in Charge, Division of Investigations, together with a carbon copy of his report as to conflicts of record.
>
> An application for exchange will be noted "suspended" by the register and unless disallowed, the lands applied for in exchange will be segregated upon the records of the district land office and General Land Office, and will not be subject to other appropriation, application, selection, or filing.
>
> Circular No. 1384, approved April 15, 1936, is hereby revoked in so far as it pertains to exchanges by a State under section 8 of the Grazing Act, as amended.

Cir. 1436a

3. Action of the General Land Office. If the selected lands are within a grazing district, all else being regular, the Commissioner of the General Land Office will transmit the duplicate copy of the application to the Director of Grazing with a request for a report as to whether, in his opinion, the selected lands are so located as not to interfere with the administration or value of the remaining lands in the district for grazing purposes, within the meaning of the Act.

When an exchange is based upon equal values, upon receipt of a favorable report from the Director of Grazing (where the selected lands are within a grazing district), all else being regular, the Commissioner of the General Land Office will request the Director of Investigations to have a field investigation made for the purpose of determining the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by anyone adversely to the State; whether the selected lands contain minerals, timber, springs, water holes, hot or medicinal springs, or any special features which should be considered in acting on the application; and whether the reservation which the State desires to make in the offered lands, if any, together with the contemplated use of such reservation, will in any way affect adversely the administration of the grazing district, if the offered lands are within a grazing district. The field examination should be made as soon as possible, and report and special recommendation should be submitted to the General Land Office.

When an exchange is based upon equal areas, if a field examination is found necessary to determine the character of the selected lands as to mineral or springs or water holes, the Director of Investigations will be requested to have a field investigation made for either or both of such purposes.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 23, 1938.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No.1439

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

In reply please refer to
Salt Lake City 057847 "N" NFS

May 8, 1937

: Oil and gas
: Leases for lands within
: unitized areas.

Registers,
United States Land Offices.

Sirs:

Any oil and gas lease for lands within the boundaries of a unitized area, issued subsequent to the a pproval of the unit agreement for such area, will contain appropriate provisions making the lease immediately subject to the unit agreement. The lease applicant must file, prior to the issuance of such lease, evidence that he has entered into an agreement with the unit operator for the development and operation of the lands in his lease under and pursuant to the terms and provisions of the approved unit agreement, or an affidavit giving satisfactory reasons for the failure to enter into such agreement.

In case an application for lease or application to exchange a permit for a lease is filed under the Act of August 21,1935 (49 Stat.674), amending the act of February 25,1920 (41 Stat.437), which embraces lands partly within and partly without the exterior boundaries of a unitized area, and is found allowable, separate leases will be issued, one embracing the lands within the unit area, and one for the lands outside of such unitized area.

You will give as much publicity to this information as is possible without expense to the Government.

Very respectfully,

(SGD) Fred W.Johnson,

I concur: May 25,1937
Sgd. W.C.Mendenhall
Director, Geological Survey.

Approved June 15,1937
(Sgd) T.A.Walters,
First Assistant Secretary.

CIRCULAR 1439. OIL AND GAS LEASES FOR LANDS WITHIN UNITIZED AREAS.

10539

Circular No. 1440

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Obsolete

1706127 "N" LEH

December 2, 1937

Termination of oil and gas
prospecting permits.
Instructions.

BILLINGS, MONT

Registers,

District Land Offices.

Sirs:

The act of August 26, 1937 (Public No. 388), provides in part that "All oil and gas prospecting permits shall cease and terminate without notice of cancelation on the final date of their current term, including any extension herein granted, and no extension of any permit beyond December 31, 1939, shall be granted under the authority of this Act or any other Act."

Under this provision of the act, certain oil and gas prospecting permits have already been terminated, or will hereafter be terminated by operation of law.

In the case of Martin Judge (49 L. D. 171), decided July 12, 1922, the Department held that:

> "Prior to the cancelation by the Commissioner of the General Land Office of an outstanding oil and gas prospecting permit and notation thereof upon the records of the local land office, no other person will be permitted to gain any right to a permit for the same class of deposits by the filing of an application or by the posting of a notice of intention to apply for such a permit."

The rule enunciated in the above decision has been consistently adhered to and followed by the Department. Notwithstanding that permits have already been terminated, or will hereafter be terminated by operation of law under the above-cited provision of the act of August 26, 1937, the long-continued policy of the Department expressed in the Martin Judge decision will continue to be followed.

Cir 1440

Therefore, until you are advised of the termination or cancelation of a permit and such termination or cancelation is noted on the records of your office, no person will be permitted to gain any right to a lease for the same class of deposits by the filing of his application therefor.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

Approved: December 2, 1937,

(Sgd) Oscar L. Chapman,

Assistant Secretary.

13847

Obsolete - ~~(the Circ. 1401a)~~
See Circ. 1807

Circular No. 1442

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CIRCULAR NO. 1401, REVISED APRIL 30, 1937, AMENDED BY ELIMINATING PORTION OF LEASE FORM.

Registers,

United States Land Offices.

Sirs:

The form of lease attached to and made a part of Circular No. 1401 Revised, approved April 30, 1937, is hereby amended by eliminating therefrom the sentence found in paragraph (a), page 2 thereof, which deals with the annual rental and reads as follows:

> "Annual rental shall reasonably conform to but in no case be in excess of the rental charged by the State or individuals for grazing privileges on lands of similar character in the immediate vicinity of the lease-hold."

You will give publicity to this amendment without expense to the Government and take particular care that a copy of this amendment accompanies Circular No. 1401, when used.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

Approved: January 19, 1938.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Cir 1442

[illegible]
S. LAND OFFICE
DENVER, COLO.
Date JAN 31 1938
Hour

Circular No. 1443

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

January 20, 1938.

Classification Notifications to be Recorded.

Registers,

United States Land Offices.

Sirs:

When public lands withdrawn by Executive orders of November 26, 1934, or February 5, 1935, are classified as subject to disposition under some form of the public land laws and opened to such disposition in accordance with Section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), you will note said classification and the character thereof on your records.

Such classifications will remain effective unless revoked, but will not preclude the filing and consideration of petitions for classification of the land as subject to disposition under some other public land law.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

Approved: January 20, 1938.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

19381

Circular No. 1446

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONTANA
Date MAR 31 1938
[illegible]

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

REGULATIONS GOVERNING OIL AND GAS LEASE APPLICATIONS FOR LANDS WITHIN ONE MILE OF CERTAIN RESERVES

See Cir. 1840

Registers,

District Land Offices.

Sirs:

May 1, 1924, the Department directed that no filings under section 13 of the act of February 25, 1920 (41 Stat. 437), should be allowed for lands within one mile of the exterior boundaries of Naval Petroleum Reserves Nos. 1 and 3. By decisions of the Department rendered subsequent to that date, these instructions have been extended to all naval petroleum reserves and to the military and naval helium reserve.

Inasmuch as the Department's instructions of May 1, 1924, do not adequately express the present policy of the Department, the following regulation is hereby adopted:

> No application for an oil and gas lease under the act of February 25, 1920 (41 Stat. 437), as amended, will be allowed for lands within one mile of the exterior boundaries of a naval petroleum reserve or military and naval helium reserve.

In accordance with the foregoing, you are directed to reject, subject to the right of appeal, all oil and gas lease applications for lands within one mile of the exterior boundaries of a naval petroleum reserve or military and naval helium reserve.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

Approved: March 21, 1938.
(Sgd) Harold L. Ickes,
Secretary of the Interior.

1446

Circular No. 1447

PUBLIC SALE APPLICATIONS FOR LANDS IN GRAZING DISTRICTS ESTABLISHED UNDER AUTHORITY OF THE TAYLOR GRAZING ACT.

CIRCULAR NO. 684 AMENDED

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Circular No. 684, dated November 23, 1934, which indicates that public sale applications must be restricted to tracts of unreserved public lands, is hereby amended by adding thereto the following:

Public Sale Applications for Lands in Grazing Districts Established Under Authority of the Taylor Grazing Act.

29. Statutory Authority. Section 7 of the Taylor Grazing Act of November 26, 1934 (48 Stat. 1269), as amended by Section 2 of the act of June 26, 1936 (49 Stat. 1976), authorizes the Secretary of the Interior, in his discretion, to examine and classify any lands within a grazing district, established under authority of said act, which are more valuable or suitable for any other use than for the use provided for under said act, and to open such lands to entry, selection, or location for disposal in accordance with such classification under applicable public land laws. On April 4, 1938, the Department construed the said section as authorizing the Secretary of the Interior to classify lands within a grazing district for disposition at public sale.

30. Action on Applications. Applications for public sales of lands in grazing districts, made under authority of the appropriate public sale law and said Section 7 of the Taylor Grazing Act, as amended, must be accompanied by petitions for classification, as required by Circular No. 1353. Such applications and petitions, when received by the register, will be acted upon by him in accordance with instructions contained in said circular. If the Division of Grazing shall report as to the land applied for that there is no objection to the classification and opening, the General Land Office, through the Division of Grazing, will recommend the classification of the land to the Secretary of the Interior. If and when the land is classified for disposition at public sale, the usual public sale procedure will be followed.

31. Applicant Will Not Secure Preference Right of Entry. An applicant for the classification and public sale of lands in grazing districts will not secure a preference right of entry by reason of the filing of the application and petition.

Approved: June 2, 1938.

(Sgd) F. R. Carpenter,

Division of Grazing.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: June 14, 1938.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

33604

Circular No. 1450

STIPULATION REQUIRED IN CONNECTION WITH LEASES AND PERMITS UNDER THE MINERAL LEASING ACTS, FOR LANDS IN NATIONAL FORESTS.

Obsolete - See director's memo. of 2/16/49

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 12, 1938.

The following regulation is promulgated, pursuant to departmental instructions of March 30, 1938:

Sec. 191.4. Stipulation required of applicants for leases and permits for lands in national forests. All applicants on and after March 30, 1938, for permits and leases under the mineral leasing act of February 25, 1920 (41 Stat. 437), as amended, for lands in the national forests, will be required to file a stipulation prior to issuance of permit or lease substantially as follows:

> If permittee or lessee shall construct any camp on the land, such camp shall be located at a place approved by the forest supervisor, and such forest supervisor shall have authority to require that such camp be kept in a neat and sanitary condition. This requirement is subject to the permittee's or lessee's right of appeal to the Secretary of the Interior in case he disagrees with the forest supervisor.*

Fred W. Johnson,

Commissioner.

Approved: August 12, 1938

E. K. Burlew

Acting Secretary of the Interior.

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*Issued under authority of Sec. 32, 41 Stat. 450; 30 U.S.C. 189.

1450

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